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B.R. Ambedkar's writings on Brahmanical Patriarchy

Against the Madness of Manu

Selected and Introduced by Sharmila Rege

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Against the Madness of Manu: B.R Ambedkar’s Writings on Brahmanical Patriarchy

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Preface

Sharmila's real contribution lies in her drawing the critical feminist discourse (that normally remains confined to the portals of university departments and their faculty—seminars and workshops) into the dalit movement and the feminist movement. Sharmila untiringly endeavoured to avoid the ghettoisation of the dalit and gender questions and to get the *satyashodhak* agenda into the mainstream of social science discourse.— **Pratima Pardeshi** , *Loksatta*

In this volume, Sharmila Rege provides us a theoretically advanced interpretation of Babasaheb's thinking on the interstices of the caste and feminist questions. Rege's work assumes significance especially in the context of limited engagement with caste in mainstream feminism.— **Gopal Guru** , Professor, Jawaharlal Nehru University

Against the Madness of Manu compiles a vast number of Ambedkar's writings on gender and caste. Each of his lengthy expositions is accompanied by original contextual introductions as well as summaries by Professor Rege, leaving the reader with the tools by which to link caste with gender, and to reclaim Ambedkar's works as 'feminist classics' on Brahmanical patriarchy... Rege's hallmark talent in reading popular cultural sources shines through. For many years she has been collecting and unpacking the vast outpouring of poems, songs and artworks produced amongst Ambedkarite communities, and bringing these materials to a wider world.— **Shefali Chandra** , *Seminar*

A brilliant and timely intervention in feminist scholarship in India, Dalit studies, legal sociology, and the sociology of caste.— **Kamala Visweswaran** , author of *Un/Common Cultures*

Through her work on caste, and the issues she raised, she forced metropolitan feminists to first read and then think about caste before they jumped in to take positions on controversial issues generated all around us. — **Uma Chakravarti** , historian

This book is for

Pappa for making Babasaheb my childhood hero through the memories of his early years at Siddharth College;

Ambedkarite *shahirs* and *gayan parties* , scholars and activists of the Phule–Ambedkarite movement for introducing me to the life and work of Babasaheb and its many interpretations;

and students at the University of Pune doing courses on “Dalits and the Public Sphere”, and “Gender and Caste: History and Memory” for making me believe that I could do this book.

Publisher's note

All references to Dr B.R. Ambedkar’s writings and speeches, unless stated otherwise, are from the series *Dr. Babasaheb Ambedkar: Writings and Speeches* (*BAWS*), published by the Education Department, Government of Maharashtra, Mumbai. Copyright permission has been obtained from Prakash Ambedkar, grandson of Dr B.R. Ambedkar.

Since Ambedkar’s work has been published by various publishers over decades (between 1917 and 1956), and many times posthumously, there is inconsistency in spelling and usage even within the *BAWS* volumes. In this edition, we have standardised the spellings since this does not detract from the import. (Where both Sudra or Shudra have been used we have stuck to Shudra; where Brahman and Brahmin are used, we have stuck to Brahman.) Since Dr Ambedkar in general seems to have preferred capitalising caste terms such as Brahman, Mahar or Shudra, this has been retained.

Dr Ambedkar’s work has not been edited or rearranged, except for the odd article or two inserted for readability. Jumps in the text, if any, have been indicated with ellipses or explained in the notes.

In the case of “Castes in India”, we have followed the original *Indian Antiquary* (1917) edition of the text, and have numbered the paragraphs.

Dr Ambedkar's original footnotes have been retained within square parentheses. Additional notes and annotations have been provided by the publisher in consultation with this volume's editor, Sharmila Rege.

IntroductionTowards a Feminist Reclamation of Dr Bhimrao Ramnji Ambedkar

IN INDIAN UNIVERSITIES today, it is not often that we encounter the writings of Dr B.R. Ambedkar in the curricula of social sciences and humanities. It seems appalling that students and teachers, like myself, can in most cases sail through postgraduate and research degrees in social sciences, and practise women's studies in the academia without ever having read the writings and speeches of Ambedkar. Since the late 1990s, this picture is changing as Dalit scholars in the academy have been integrating the writings of Ambedkar in sociology, political science, cultural studies and literary studies curricula. I begin on this self-reflexive note to highlight the manufacture of ignorance in our institutions of higher education and ways in which one is complicit through the privileges of caste and education. This is also to place on record my debt to teachers in the Phule–Ambedkarite movement; activists, writers, *shahirs* (bards) and *gayan parties* (musical troupes) whose work continues to introduce me and others to the writings and works of Ambedkar and to the varied ways of interpreting them.

It is against this backdrop that this reader focuses on Ambedkar's writings on 'Brahmanical' or 'graded patriarchy'—a term that feminist scholar Uma Chakravarti first used in 1993. It seeks to drive home the urgency of a feminist turn to Ambedkar by drawing attention to three seemingly disjunctive instances from the political past and present. Each of these instances projects a distinct relation between caste and gender, albeit on sites disparate in time and space. The first site refers to Brahman Parishads (Conference of Brahmans), both imagined and real. The second concerns a dialogue between non-Dalit and Dalit feminists. The third is about the rhetoric of rape and compensation for Dalit women in contemporary state politics.

In the first instance, let us consider resolutions three and four in "The Brahman Parishad of 1950", a text set in the imaginary future, written by Dinkarao Javalkar, one of the best known leaders of the non-Brahman movement in Maharashtra in the 1920s. Javalkar outlines the fictitious resolutions of the Brahman Conference:

> Many cases of Brahman women beating up their husbands are being registered in court. Hence a law must be made to protect the Brahman husband … I feel ashamed to tell you that in their blind imitation of the Europeans, Brahman women smoke, perform in theatres, and shave in salons. In fact, the entire 'Bavankhani' [the red light area dating to the Peshwa period] is full of Brahman women—one Brahman prostitute has even put up a board declaring herself to be a Peshwa pedigree (Phadke 1984: 149; *translation mine*).

Javalkar, writing in the wake of B.G. Tilak's fierce opposition to a Bill introduced by Vithalbhai Patel in 1918 to legalise inter-caste marriages, describes Brahman women of the 1950s as husband-beaters, smokers, and prostitutes entering into mixed marriages with non-Brahman men. The Brahman men, no longer capable of controlling their women, are thus 'reduced to women with moustaches' (ibid., 148). More than fifty years after the projected period of the imagined Parishad, the Multilingual Brahman Mega Convention organised in Pune in 2009 resolved that 'in order to protect the purity of the Brahman community and in the larger interest of the country, all brothers and sisters of the community should give priority to marriage within the community itself.'

Further, the same mega convention, in a published code of conduct for Brahmans for the changing times, spelt out a dress code for women and stressed their duties to the family and community. This points not only to the unrelenting anxiety over mixed marriages in caste society but also to a paradoxical continuity between contemporary elite reactions and early twentieth-century non-Brahman assertions that sexualised Brahman women. However, this ridicule of Brahman women emerged from the non-Brahman publics which placed the central opposition in society as being between the virtuous Hindus and the non-virtuous Brahman. In this, the non-Brahman publics were departing from Jotirao Phule's (1827–90) position. For Phule,

the primary opposition was between Shudra, Atishudra and women on the one hand and Shetji–Bhatji (moneylenders–priests) on the other, and thus his critique of the ideology of caste radically reconceptualises gender codes too. While the Brahman convention in contemporary Pune reasserts faith in endogamy for 'national interest', and imposes new codes on Brahman women, non-Brahman intellectuals of the early decades of the twentieth century 'sexualised' the 'western modernity' of Brahman women and rendered non-Brahman patriarchies invisible.

Consider the second instance: a dialogue between non-Dalit and Dalit feminist activists organised in 2009 in Mumbai. Non-Dalit feminists, explaining their silence on the 2006 Khairlanji massacre and sexual atrocities in terms of 'lack of media information', lamented 'a lost opportunity' in forming ties of solidarity and support with Dalit feminists. Dalit feminist activists critiqued the absence of feminist protests on violence against Dalit women; they also critiqued the non-Dalit feminist position on sex work and bar dancing for its failure to recognise the structural violence in terms of caste-ordained linkages between sexuality and labour. Some Dalit feminists also detailed the increasing 'domestication' of wives of Dalit male activists and critically engaged the position of some Dalit men who see women's liberation as being 'inauthentic' for Dalit women. The report of this dialogue between Dalit and non-Dalit feminists focuses more on the 'sameness of patriarchy' than on relations of power between non-Dalit and Dalit feminists. Non-Dalit feminists thus tend to once again pose for Dalit women activists a 'choice' between feminism and community. The potential of such dialogues to become critical sites of coalition between Dalit feminists, Dalit male activists and non-Dalit feminists would require a sustained historical reflection on the critique and discord expressed by Dalit feminists.

The third instance in which caste and gender appear in opposition refers to media and civil society responses to the recent politics of rape and compensation of Dalit women in Uttar Pradesh. In 2009, the chief minister of Uttar Pradesh, Mayawati, in an event organised by the state, distributed legally mandated relief to rape victims under the Prevention of Atrocities Act. The president of the Uttar Pradesh Congress, Rita Bahuguna, criticising this policy as the condoning of rape by payment of

compensation, proposed that the Dalit chief minister be raped and offered compensation in exchange. In what followed, one set of responses to this incident lamented that both politicians, despite being women, had at one time or another deployed the rhetoric of rape. Another set pointed to an opposition between the two women in terms of their caste. Accentuating either the sameness of gender or difference of caste between Mayawati and Rita Bahuguna (a Brahman) obscures the modes through which the state and political parties naturalise sexual violence against Dalit women in building their political platforms around the issue.

The three disparate instances discussed above chart the limitations posed by assumed binaries of Brahman/non-Brahman, feminism/community, and caste/women in feminist politics. The ongoing debate over the Women's Reservation Bill has amply demonstrated how the false binary between woman and caste may be a strategy to withhold the aspirations of the Backward Classes and of women of different castes within political parties. These instances from our political past and present foreground the historically placed opposition between the rights of women and those of subordinated castes. They emphasise the need to tackle the collusion of caste and gender in India and thus bring us to the urgency of a feminist reading of Ambedkar.

Currently, feminist debate and curricula are almost entirely disengaged from Ambedkar's writings and politics. In contrast, Gandhi, Nehru and Lohia enjoy a longstanding place in the same discourse. Baburao Bagul, the well-known Dalit writer and intellectual, credits the academic neglect of Ambedkar's writings to the tendency to turn the national movement into a form of historical, mythological movement of ancestor worship and label the Phule–Ambedkar discourse as antinational and ideologically particularistic. Further, in the 1970s, the challenges posed to the academia by the Dalit Panther ideology and activities, and by Dalit literature—at least in Maharashtra—came to be co-opted. Research and curricular frameworks in social science and literature departments included studies on Dalits or Dalit writings while completely evading the epistemological challenges posed by the Dalit Panthers. However, since the late 1990s, Dalit studies has emerged, shaped by the 'secular upsurge of caste' at the national level and the emergence of the caste question in international forums like the

United Nations World Conference against Racism. Its interface with local Dalit movements and the assertion of Dalit feminisms is charting out diverse trajectories of Dalit studies in different regions in India. Feminist readings of Ambedkar are enabled by this conjuncture that has opened up possibilities of a new dialogue between Phule–Ambedkarite, Dalit feminist and non-Dalit feminist perspectives.

The historical legacy of the nationalist imagination that posed an opposition between the rights of women and rights of Depressed Classes and minorities continues to haunt us. While Dalit-Bahujan male intellectuals like Kancha Ilaiah have valorised the 'difference' of Dalit-Bahujan patriarchies as essentially democratic, non-Dalit feminists tend to highlight the essential 'sameness' of Dalit patriarchy in its personal and political practices. The increasing violence against Dalit women—and the involvement of dominant caste women in this violence—often comes to be framed either within terms of global discourses like CEDAW (Convention on the Elimination of all forms of Discrimination Against Women) or is reduced to a particular/local case of/for Dalit women. Reports by the National Federation of Dalit Women (NFDW) and National Campaign on Dalit Human Rights (NCDHR), aptly titled *Dalit Women Speak Out* , establish the impossibility of separating the experience of sexual assault from a range of derogations—economic, civil and social. In the absence of adequate focus on the links between caste and gender, the 2006 Khairlanji case has once again proved how the violence against Dalit women comes to be inscribed as either 'caste atrocity' or 'sexual atrocity'. The challenge therefore is to reclaim Ambedkar's theoretical legacy that viewed caste and gender as entangled, but never just easily equated, and move beyond the binaries of sameness/difference. Merely pluralising the term patriarchy is not enough; the task is to map the ways in which woman as a category is being differently reconstituted within patriarchal relations of graded caste inequalities.

A feminist turn to Ambedkar thus seeks to reclaim and renovate his theoretical articulations to understand how Brahmanical patriarchy fashions sameness, intersection, discreteness, and interdependent differences along a gradation of ascending reverence and descending contempt. Such an approach to Ambedkar can help produce a generative structure through

which an alliance between feminist and anticaste/Dalit groups with visions of liberatory politics can be engaged—both within and outside the academy.

Since the late 1980s, important connections between feminist theorisation and political campaigns in India became apparent. This has been demonstrated by various rewritings of partition histories following feminist-motivated relief work after the anti-Sikh riots of 1984, and that of nation and nationalism after the Babri Masjid demolition and the 2002 Gujarat riots. One would expect similar projects rewriting the histories of caste and gender to unfold in the aftermath of Mandal or Dalit feminist assertions of the 1990s. As the social historian Janaki Nair's inquiry into the troubled relationship of feminism and history reveals, the significant scholarship that identifies caste as something that dismantles assumptions of the nation continues to either ignore gender or merely allude to it.

In the aftermath of Mandal, feminist scholars such as Uma Chakravarti and V. Geetha felt the imperative to engender histories of caste, and encaste gender; whereas Dalit feminist scholar Abhinaya Ramesh pointed to the limits of border crossing through a detailing of structures and processes of Brahmanical surveillance. What implications does this have for the dominant methodology and critiques of feminism? In other words, did these feminist interpretations of the caste question confront the accepted meanings of violence, sexuality, or labour in women's studies? The answer is yes and no.

At the same time, invoking the intersection of caste, class, and gender has become a mantra that is repeated as if it were a guide to method. The truth is we are still wanting in engaged debates on Brahmanical patriarchy in its various historical and cultural manifestations. In seminar discussions, while some feminist scholars reject the concept as overarching, others misrecognise it as 'Brahman patriarchy', and ask, 'then what about Dalit patriarchy?' Within women's studies, pluralism has come to mean a relative absence of debate and thus a 'peaceful co-existence' between those who 'do caste' and those who do not—as if caste were a matter of choice for those 'doing gender'.

The interrogation of the obvious influence of canonical disciplinary perspectives on caste in feminist studies and the tokenism of the mantra of

‘caste, class and gender’ would call for a programmatic intervention in women’s studies. I suggest that as part of such an intervention, we turn to new sources and methods of interpretation for understanding Ambedkar in his times and ours, and reclaim some of his writings on Brahmanical patriarchy as feminist classics. Classics are fluid, not sacrosanct. They have a persuasive force that allows contemporary interpreters to debate conflicting and complementary opinions. Recovering Ambedkar’s writings as feminist classics draws both from their authorial brilliance and the possibilities opened up by contemporary interpretative appropriations. The politics of the 1990s, which spelt out why and how claiming caste is not casteism, deepened Indian democracy. The push towards a more inclusive democracy demands a move towards democratising knowledge, suggesting that women’s studies needs to move beyond merely including the excluded. This calls for confronting confusing, diverse, and heterogeneous sources of knowledge across different locations—social, institutional and epistemic **.**

In this case, I shall argue that assorted sources like musical compositions and booklets that circulate within the spaces constituted by the Ambedkarite calendar events in Maharashtra would reveal that the reclaiming of a feminist Ambedkar has a much longer and richer history outside the academia. This introduction attempts to outline the contours of this rich discourse of booklets and songs on Ambedkar and the women’s question. However, before turning to these resources, a feminist reading of Ambedkar calls for briefly exploring Ambedkar: the ‘personal’ and the ‘political’.

Feminist Denial of the ‘Political’ on ‘Personal’ Grounds

Let me begin with an incident narrated by Urmila Pawar, a well-known Dalit feminist writer in her testimonio *Aydaan: The Weave of My Life* . Pawar recalls a seminar discussion on Dalit women’s issues at a renowned institute in Mumbai. A woman professor claims that ‘Dr Ambedkar did nothing for women. Hindu Code Bill was a political stunt! He never brought his wife forward; unlike Phule, he did not educate her.’

Pawar is struck by the lack of reaction by other feminist scholars. Only a friend bursts out laughing at Pawar’s stunned face. Shocked by the trivialisation of a serious issue, Pawar observes that the gathering of

scholars could not understand the difference that socio-cultural milieu and economic strata can make to lives.

Pawar's narrative points to typical ways in which feminists deny the political contribution to feminism of Ambedkar. This is done most commonly by referring to the sphere of the personal or at other times labelling his contribution as being particularistic—limited to the social improvement of Dalit women. It also draws attention to the importance of exploring the ways in which public and personal spheres are constituted differently in diverse social locations. Therefore, a discussion on the 'personal' and the 'political', albeit briefly, becomes crucial for at least two reasons. Firstly, it is necessary to understand the paradox of the feminist denial of Ambedkar's political contributions by referring selectively and erroneously to the personal sphere. Secondly, it is important to open up different meanings of the public and the private—spaces of household and community as they came to be fashioned by the Ambedkar movement—towards a more emancipatory notion of the modern in India.

How may we explain the paradox of the feminist denial of the political contributions of Ambedkar by the selective and erroneous underscoring of the personal sphere? Historically, the colonial public sphere in India comprised different groups and communities forming publics and counterpublics, all of which were in friction with one another. The privileged castes, in constituting the middle class public sphere, used older resources of power and privilege and newer ideas of politics and society, stitching together Manu and Mill, thereby fashioning a fractured modernity. This modernity, while disavowing caste in the public sphere, joined new principles of individualism with endogamy, and *varnashrama dharma* with notions of universal division of labour, and thus made claim to universal modernity. Feminist scholarship has convincingly demonstrated that the making of this middle class public sphere had a significant effect on the restructuring of the 'personal', especially the invention of the model of companionate marriage.

Manuals on domesticity and childrearing in early twentieth-century Maharashtra detailed the tasks and modes for the new middle class, privileged caste women and placed them in opposition to the

Englishwoman and women of communities that performed menial tasks. A woman writing in 1933 as Miss Kamala describes everyday life in a companionate marriage:

> There was ample to eat and drink in these families, fine life and that is why the boys of the reformist families became lawyers, doctors, barristers, some I.C.S. [Indian Civil Service] and I.M.S. [Indian Medical Service] and girls became accomplished women keeping neat and tidy homes, cooking fine food and attaining culinary skills and at times they could converse enough for the need of the moment. (Karve 2009: 206; *translation mine*)

Marathi women's autobiographies written between 1910 and 1950 offer varying narratives of companionate marriage. Caste rarely figures here. And if it does, it appears as belonging to someone else—women in the mills or vegetable vendors or to women of a time gone past. Thus the dominant narrative of gender and modernity, that has concealed the complicity of Brahman women in class privilege and Brahmanical patriarchy, highlights privileged caste women's struggle with tradition and their desire to be modern. Non-Dalit feminists have not been unaffected by the splintered modernity of their class. They perceive the absence of a dominant model of companionate marriage in Ambedkar's life as prioritising 'community' over 'wife', and by extension over women's issues, and for that reason not feminist enough.

In contrast, Ambedkar fashioned a notion of the modern that combined new Western ideas and emancipatory materialist traditions like Buddhism from Indian history. He did so by underlining the historical character of caste-based exploitation, rejecting the varna order, and advocating the annihilation of caste as the only path to egalitarian society. In seeking a rational re-examination of the core values of Hindu metaphysics he heralded an Indian Enlightenment, which imagined new caste and gender codes and radical meanings of modernity. A few scholars have charted the career of India's political modernity fashioned by Ambedkar's agitations against the language of obligations and negative rights embedded in caste hierarchy, and the new language of self-respect, equality and rights. Urmila Pawar and Meenakshi Moon's studies of Ambedkarite women have

reinstated the agency of Dalit women in the making of anticaste modernity. However, we are yet to explore fully how gendered ideologies and practices of the public/private mediated the constitution of alternate modernities that sought to move beyond the binaries of political/social, colonial/national, Indian tradition/Western modernity, and community/nation. For instance, how were conjugal relations and the household recast in the light of tensions between nation and caste amidst upheavals in the Ambedkarite counterpublics? How did challenges to the Brahmanical caste order question principles of kinship—the conflict between given and chosen relations? How did the articulation of collective interest produce 'new' households and sociality? A comparative reading of the lives (biographies and autobiographies) of leaders of the nationalist and anticaste movements in colonial India may facilitate an understanding of the processes that defined the personal and the public spheres in diverse social locations.

Within the academia the relationship between biography and history has gradually become the subject of serious study with two distinct foci. While there is a serious engagement with autobiographies by and biographies of 'great leaders' such as Gandhi, Nehru and Sarvepalli Radhakrishnan, there is a neglect of those political leaders who differed with the aims of the nationalist elite. In a much-needed biography of Ambedkar, Gail Omvedt talks about the impact of his unique background on his political aims. 'The early death of his mother, after giving birth to fourteen children out of whom only seven survived, his elder brother's death after working as a labourer to maintain the family, the death of four of his five children … was an experience different from the nationalist elite.' Omvedt puts Nehru's and Gandhi's respective choices of 'sacrificing' for the sake of the nation within the context of the parallel comfort of their families. In contrast, Ambedkar's household had to struggle for economic survival. Most significantly, she foregrounds caste and the experiences of untouchability as structuring the contradictions between Ambedkar's life and those of Gandhi and Nehru. Omvedt argues:

> Ambedkar himself experienced some discrimination as an Indian and colonial, and expressed his own nationalism. But these were minor compared to the experiences of untouchability… Such discrimination —being forced to sit separately, unable to study the courses he wanted,

> ostracised by other students and unable to find a place to live and work respectably—was experienced as an outrage and not as an expected part of a long-ordained place in society.

These experiences exposed Ambedkar to the all-pervasive character of caste discrimination, thus making untouchability and the Brahmanical forces that generated it the defining framework of his writings and politics.

Life histories of the middle class and privileged castes are typically structured by a dyad of 'those days' and 'these days', suggesting nostalgia for an ideal past. In contrast, the writing of lives stemming from socially oppressed caste locations may have to be postponed due to the urgency of transforming the oppression and humiliation of 'those days' into greater self-respect, equality and rights for 'these days'.

We know from the twelve-volume Marathi biography of Ambedkar written by C.B. Khairmode that Ambedkar intended to write an autobiography in English and also a biography of Gandhi. Shankarrao Kharat, national joint secretary of the Schedule Caste Federation and well-known Dalit Marathi writer, mentions that three notebooks marked for three parts of the proposed autobiography were found in Ambedkar's study after his death. Probably the urgencies of making a political community, rewriting dominant Brahmanical history, drafting the Constitution, and drafting the Hindu Code Bill (and defending it) did not leave any time for Ambedkar to write about his life. No doubt this constitutes a major loss for our understanding of history, though voluminous biographies and numerous musical compositions by *shahirs* continue to illuminate Ambedkar's personal and political life.

Reading the different writings and speeches in which Ambedkar reminisces on his life—be it experiences of humiliation of untouchability during his childhood in Satara, being thrown out of the Parsi inn while working for the Maharaja of Baroda on his return from Columbia University in 1917, or a 1929 incident when he is tossed off a tonga ridden by an amateur driver in Chalisgaon when the local untouchables cannot find a regular cart-driver — it is apparent that personal experience is not the origin of explanation of the social. Rather he focuses on *processes* that define experience and open up new ways of thinking about change. It is in this sense of the Ambedkarite

conceptualisation of the relation between experience, knowledge and change that an inquiry into the differential structuring of spheres of the political and personal in political movements assumes importance.

To begin, let us consider two images drawn from the rich visual histories of the Ambedkar movement. One is a photograph of the Ambedkar household. Ramabai is at the centre. Ambedkar and their son Yashwant flank her to the viewer's left. Her sister-in-law Laxmibai and her son Mukund, both of whom continued to live in the household after the death of Ambedkar's brother Anandrao, appear to the viewer's right. Ambedkar's pet dog is at Ramabai's feet. The other image is a popular poster (used on the cover of this book) that imagines a grand wedding reception for Ambedkar and Ramabai, who are shown sitting on velvet-cushioned, gold-embossed chairs. Ambedkar is featured holding a book. We know from Khairmode's biography that marriage rites were performed perfunctorily in the Byculla vegetable market.

The family photograph provides a human insight into Ambedkar's family milieu outside of his remarkable politics and feats. It enables us, on the one hand to imagine that extraordinary men were also engaged with the ordinary everyday of the household. On the other hand, it tells little about the everyday joys and tribulations that make and break households. For instance, the tensions over the domestic budget caused by Ambedkar's love for books, or those over Balaram, Ambedkar's brother, setting up separate residence. There are moments of humour that the household shared over the huge quantities of vegetables and fish that Ambedkar bought after being admonished for spending too much on books. There is immense grief over the death of Rajratna, the couple's son, in 1926. Following the child's death, Ambedkar handles the doctor's advice—that Ramabai should avoid further pregnancies—sensitively. Khairmode details Ambedkar's anger over Ramabai's refusal to educate herself as well as the disagreements over her wish to undertake the annual pilgrimage to andharpur. Most poignant is Khairmode's account of Ambedkar's inconsolable grief at Ramabai's death —a shaven-headed Ambedkar in a *kafani* as if in renunciation—and his regret at his neglect of Ramabai's and Yashwant's health.

The Ambedkar household, with Ramabai at the centre.

A popular poster that re-imagines Ambedkar's wedding.

Ambedkar in a kafani *after Ramabai's death*

The titles of two chapters in Volume 2 of Khairmode's biography of Ambedkar, *Ramabaicha Sansar* (The Household of Ramabai) and *Nava Sansar* (The New Household), urge us to explore the relation between the household kept together by Ramabai and the new, extended household—an emergent political community of Ambedkarites. This calls for an examination of the overlap of memory, biography, imaginary (the way in which relationships have a life in imagination and thoughts) and relationality, though the immediate object now is to study the feminist denial of Ambedkar's contributions represented by Urmila Pawar's narrative. With this in mind, let us consider the second image, a popular poster that circulates at all Ambedkarite gatherings.

Ambedkarite popular culture is home to some of the more confusing and diverse imaginations of Ambedkar's personal sphere. Why is Ambedkar shown holding a book in the imagined wedding poster? The book has the words 'Indian Law' written clearly in golden yellow. This is interesting because this portrait depicts a moment in Ambedkar's life well before he turned to drafting laws and the Constitution. Is he holding a book pertaining to law just like his statues which show him holding a copy of the Constitution of India? The presence of the law book at Ambedkar's imagined wedding reception—within the space of the private/conjugal—raises interesting possibilities. Is it an indirect recording of Ramabai's contribution to his writings or her selling of jewellery to build a house that could accommodate Ambedkar's ever-increasing book collection? However one decides to read it, the book at the wedding reception shows the impossibility of separating the intellectual man from the 'conjugal' space, or the personal from the political. Importantly, Ramabai appears comfortable and happy, not at all troubled by the book on his lap. The

poster—in imagining the grand reception, in inserting the presence of the Constitution and the image of Buddha blessing the couple before Ambedkar really embraced Buddhism—moves beyond the constraints of real space and time. Crucially, this popular poster registers an imagination that sees Ramabai as central to Ambedkar's political contributions—be it the Constitution or the conversion to Buddhism. Further, Ramabai's inseparability from Ambedkar's political projects is reiterated through booklets, songs and cassettes on the life of Ramabai that continue to be produced and circulated every year till date.

The musical compositions represent Ramabai as mother to all Dalits, extol her 'invisible' contributions to Ambedkar's character and politics, chart milestones in her life, frame her uniqueness as truly extraordinary, and deploy these aspects as benchmarks in urging young women to follow Ramabai's lead. Though fewer in number and quality, there are also booklets and songs on Savitabai/Maisaheb, or Sharda Kabir, the Brahman medical doctor Ambedkar married in 1948, thirteen years after Ramabai's death. A majority of the booklet writers condemn her as a betrayer. Some call her a murderess. On Savitabai's death in 2003, various people have sought a rational debate on her role in Ambedkar's life and death.

Some of the booklets on Ramabai Ambedkar sold at Ambedkarite calendar events.

Some of the audio cassettes on Ramabai Ambedkar.

Let us turn our attention to the contrasting interpretations of Ramabai as 'Ramaai' (the mother of the community) and the suspicion and debate heaped on Savitabai's role in Ambedkar's life to argue that the representations of the personal/conjugal in the Ambedkarite booklets and musical compositions question the dominant ideal of companionate marriage that constituted Brahmanical middle class modernity. In the musical compositions on the life of Ambedkar and Ramabai,

companionship transcends the realm of the private. It suggests that community, the household, and the political realm are inseparable.

The depiction of Ramabai's life in the booklets and songs does not suggest a model of an inherently sacrificing wife and mother. Rather, they highlight transformation—from 'Raami', the young orphaned girl who marries Ambedkar, to 'Ramaai', the political community's mother figure. Descriptions both in the songs and the booklets highlight her initial expectations that Ambedkar would become a householder on returning from the United States, that he would lead a normative life with his job as lecturer at Sydenham College in Bombay. She questions his aspirations for further studies, is angry, and gives up on any conversation with him for days on end. But Ramabai eventually recognises his aspirations and goes on to offer unconditional support, organising the household economy with fifty rupees a month and even managing to save five rupees towards contingency expenses. Ramabai's dignified negotiation of poverty after Ambedkar leaves for London in 1916 has a special place in all the songs. Also foregrounded is her refusal of charity despite the daily struggle for food and the household subsisting on four *bhakris* (jowar bread) a day.

Ramabai's growing interest in the political movement led by Ambedkar unfolds through her curiosity about the Mangaon Parishad of 1920 and Shahu Maharaj's work, her keenness to contribute to the 1927 Mahad Satyagraha (not by leading the women's meeting as Ambedkar suggests, but as a cook), to addressing a gathering of women at the J.J. Hospital premises in Mumbai.

Before leaving for London in 1920, Ambedkar organised a *shraddha* (annual offering for his deceased father) breaking the conventional practices of the Hindu ritual by inviting forty students from the boarding house of the Depressed Class Mission for a meal. Ramabai had plans for the traditional sweetmeat offering but Ambedkar argued that the students be served meat and fish—what they missed the most in the hostel. Shocked, Ramabai initially questioned the appropriateness of serving meat as a ritual offering but went on to transgress the Brahmanical rules, serving meat to the students instead of *puranpoli* (sweet bread). Whether it is this incident or others like Ramabai's desire to visit religious places of worship, and

Ambedkar's efforts to convince her with rational arguments against the same, the musical and printed accounts of the Ambedkarites do not present the relationship between Ambedkar and Ramabai as a given. Instead they detail the meanings and values as felt and lived—outlining ways in which particular incidents in their lives combine into ways of living and thinking. Compositions on Ramabai's refusal to educate herself despite Ambedkar's anger, her initial irritation with his expenditure on books but her sustained support later, even selling her gold bangles to make possible the 'Rajagriha', Ambedkar's library, underline the making of their relationship through argument and dialogue.

Radhabai Varale—who along with her husband, the well-known writer Balwant Varale, managed the hostel started by Ambedkar for Backward Caste students at Dharawad in 1929—has noted in her memoirs how Ramabai went on to become the chief guest at the first interdining event of its kind for women from different untouchable sub-castes. Young Ambedkarites in Dharawad, keen to bring untouchable caste women into public interdining meetings, were initially doubtful of Ramabai's participation. Ramabai hailed from the Konkan region known for strict caste rules pertaining to exchange and consumption of food. Varale recalls that on hearing Ramabai leading of this event, Ambedkar exclaimed—'How the *mahar bhatin* [Brahmanical Mahar woman] has transformed!'

Several compositions on Ramabai describe her efforts to extend the household to accommodate members of the kinship network. She had welcomed into her home an eight-year-old boy of the Mang caste and helped sustain a hostel for Backward Caste students by pawning her jewelry —suggesting that she allowed her household to encompass a political community. The compositions detail Ramabai's contributions as emerging from her love, dedication and admiration for her extraordinary husband. Yet she is not seen as a 'mindless follower', but as someone who developed political convictions of her own. Ambedkar's complete dependence on Ramabai is highlighted in all the compositions, which emphasise his grief over her death. His dedication to her in his book *Pakistan or the Partition of India* reads:

> As a token of my appreciation of her goodness of heart, her nobility of mind and her purity of character and also for the cool fortitude and readiness to suffer along with me which she showed in those friendless days of want and worries which fell to our lot.

Ramabai is thus credited with the making of a *yugpurush* ('Man of the Epoch') by drawing on a common social lineage with Yashodhara, Buddha's wife, and Savitribai, Jotiba Phule's wife. In contrast to this is the Ambedkarite community's suspicion and anger towards, or sometimes a studied silence on, Savitabai Ambedkar. This is borne out of Savitabai's stated intent to write an autobiography three decades after Ambedkar's death. She claimed wanting to write it in order 'to put facts before the community' and to clear the clouds of suspicion cast on her role in the demise of Ambedkar. Writing in a defensive mode, Savitabai stresses Ambedkar's feelings for her by including their private correspondence and recounting episodes from their years together in terms of an ideal companionate marriage. She concludes that vested political interests planted doubt and suspicion in Yashwant's mind and in the community. Some booklets published following Savitabai's death in 2003 seek to undertake a rational critique of the 'truth and falsehood' surrounding her role in Ambedkar's demise. One such booklet stresses the individualised nature of her relationship with Ambedkar—a relationship that does not always see building bridges between the household and the political community as an integral part of the conjugal, thus bringing rejection from the community.

The musical and printed reconstructions of Ambedkar's life with Ramabai and Savitabai provide two contrasting models of conjugality. In the memoirs of Gaikwad Guruji, one of the many schoolteachers active in the Ambedkar movement, we find documentation of songs composed by Dalit women during Ambedkar's lifetime. Some of these songs seem to reconcile the seemingly opposed models of conjugality represented by Ramabai and Savitabai. Ambedkar met and married Savitabai thirteen years after Ramabai died. One song imagines a sisterhood between Ramabai and Savitabai though the two had obviously never met.

> Ramabai and Savitabai—though
> Both of different castes,

Eat in the same plate—it's for their Bhima's sake!

In another song, a Dalit woman advises Savitabai, the Brahman girl, to learn the ways of the Dalit community:

O girl from Brahman family, Drape your sari well to cover yourself, Baba is busy with his work— Sitting on the chair, He's not looking at you. *(translations mine)*

More recent songs recorded on audio cassettes produced by Ambedkarite *gayan parties* in the 1990s typically articulate anxieties generated by tensions between modern education and lifestyles and commitment to the political community through a gendered discourse. Many examples, as noted earlier, while urging young women to be like 'Ramaai' do not carry similar appeals to young men to follow in Babasaheb's footsteps. Likewise, the Brahman wife takes on the aspect of a *visha kanya* , the poison-spewing seductress who lures the man away from his obligation to the community.

In contrast to the non-Dalit feminist position (noted earlier in Urmila Pawar's account), the articulations of the Ambedkarite community on conjugality suggest that studying the 'personal' and the 'political' in Ambedkar's life cannot be an exercise in stating 'self-evident' truths. Against the conflicting pressures on Dalits to claim selfhood and collectivity, life histories of the Ambedkar household provide dynamic models to make and remake public and private selves. The absence of absolute conclusions when interpreting Ambedkar's personal life is best described by Zhingubai, a Dalit woman composer/singer from Murtijapur:

My father called him father,
my mother calls him father,
I call him father,
my son too calls him father.

Try searching in the world
one such relation.

Does anyone share this kind of relation,
like the one we share with my Bhima?

Sadhus and saints have come and gone,
my vows and prayers to none bore fruit.

Where were you yesterday?
Today you have come so far.
In your hands smeared with cow-dung
He placed a pen!

This earnest preoccupation with Ambedkar's personal life in the booklet and music cultures clearly indicates that Ambedkarites have a head-start over the academia's still limited interest in Ambedkar's position on women's rights and gender issues. Barring notable exceptions, most academic literature including readers on Ambedkar and Ambedkarism continue to ignore his contribution to feminism in India.

'Listening' to and Learning from the Counterpublics

The first robust flowering of Ambedkarite booklet literature and music pertaining to *Ambedkar aani Streemukti* (Ambedkar and Women's Liberation) began in the late 1990s. Today, the booklets and music I refer to circulate mainly at events relevant to the Ambedkarite almanac. Middle class common sense deems these events irrational/emotional and criticises them for causing civic problems related to traffic and hygiene—opinions that unexpectedly resonate among social scientists. Barring a few, most social scientists associate these publics with the 'deification of Ambedkar' or 'manipulation of the masses by the leadership'. As such, Dalit masses are seen as excessively emotional and lacking in a rational grasp of history. It is common for such readings to contrast Ambedkar's 'rationality' with the 'irrationality' of these annual gatherings, suggesting that Dalits are not carrying forth Ambedkar's legacy. However, the documentation of these publics, which emerge from and in turn constitute the Ambedkarite calendar, suggest otherwise.

An empathetic examination of the Ambedkarite calendar events documented over the last decade suggests that the criticism of unmarked publics at mass gatherings in Nagpur and Mumbai on grounds of traffic nuisance, packed trains, and public littering may be read as a contempt for the 'marked' occupation of 'unmarked public spaces' on certain days.

Elsewhere, I have argued that Ambedkarite calendar events link the Ambedkarite utopia to real places, thereby constructing Ambedkarite heterotopias, or producing real places that despite being visited transiently exist on a map. Pradnya Daya Pawar's direct address to Ambedkar captures this succinctly:

> Every year on the 6th of December, without fail, I along with my son Prateek, thousands of mothers, sisters and brothers light a candle and sincerely salute you. I see your clear reflection in the sparkling eyes of Prateek and thousands, lakhs and crores of Ambedkarites. This is very reassuring, propelling one to dream of a tomorrow amidst everyday struggle to live in the terrible and fierce reality. Really… you made us all so beautiful. (*translation mine*)

The Ambedkarite utopia (a community based on Ambedkar's call to 'Educate, Organise and Agitate') represents a quest for society in a perfected form, but like all utopias it does not have a fixed address or determinate physical space. Print and music, the two most distinctive sites of Ambedkarite struggles, play a crucial role in mediating between the utopia and the people, linking people with a possible political moral identity that they could assume. We can see the booklets and music as constituting a distinctly recognisable Ambedkarite counterpublic for their oppositional claims and their alliance with alternative institutional dissemination.

Counterpublic writings on 'Ambedkar and Women's Liberation' began circulating in the 1990s, arguably enabled by an accord between autonomous Dalit women's organisations, the formation of national level federations and forums of Dalit women, and the subsequent revival of the women's wing of Dalit political parties such as the Bharatiya Republican Party, Bahujan Mahasangh and Republican Party of India. The Vikas Vanchit Dalit Mahila Parishad (Conference of Dalit Women Excluded from Development), which was organised at Chandrapur by Dr Pramila Leela Sampat in December 1996, by forwarding a proposal for commemorating 25 December as Bharatiya Streemukti Divas (Indian Women's Liberation Day), foregrounded the ideological and functional tensions within the women's movement regarding Ambedkar and feminism. A few years after this conference, some Ambedkarite calendars—important sites of

reiterating, reinterpreting, and reindexing the Ambedkar movement—began marking 25 December as Bharatiya Streemukti Divas (Indian Women's Liberation Day).

In the 1990s, various booklets, souvenirs, and special issues of magazines with differing ideological positions on Ambedkar and women's liberation have been in circulation. Consider, for instance, *Dr Ambedkar Aani Streemukti* by Pratima Pardeshi, one of the first detailed booklets published on this theme. It begins by providing various possible reasons for the neglect of Ambedkar's writings and speeches on women's liberation by feminists, the organised Left, and Dalit political parties:

> The birth centenary year [1990] saw speeches and publications on the little known and otherwise neglected ideas in the works of Dr Ambedkar. His thoughts on the economy and on the Muslim community saw the light of the day but not those on the liberation of women. At this crucial time, at the turn of the century, when the struggle for social justice is significantly posed, the views of the one who championed the cause of women, such that he even resigned as Law Minister on the issue of the Hindu Code Bill, have been grossly neglected. In fact, there seems to be a conspiracy of silence on this issue and the reasons for the same need to be looked into.

Gautam Shinde's booklet *The Revolution and Liberation of Women in India* endorses the renowned political historian Y.D. Phadke's counter-arguments to Arun Shourie's *Worshipping False Gods* . At the same time, it challenges Phadke's misreading of Buddha's position on women stating why and how scholars should read Ambedkar's essay "The Rise and Fall of the Hindu Woman".

Many writers concerned with Ambedkar's views on women's liberation delineate Ambedkar's efforts as Labour Member in the Viceroy's Executive Council (1942–46) in drafting laws such as the Mines Maternity Benefit Act. They see Ambedkar's insistence on equal wages and representation of women on the welfare fund of coal mine workers, and an emphasis on equal citizenship and women's right to economic development as crucial for the women's question in India. Through this lens, the Hindu Code Bill is seen as a manifesto of women's liberation, and Ambedkar's resignation as Law

Minister over the sabotaging of Hindu Code Bill is viewed as an act unparalleled in history.

Some booklets highlight his recovery of the Buddha's legacy for feminism and see his critique of Brahmanical practices including sati, child marriage, and institutionalised prostitution as one of the early theoretical statements on violence against women in India. Most authors outline how Ambedkar's ideological position on women's liberation became the basis for many practices of the women's movement. They highlight Ambedkar's speech to women at the Mahad Satyagraha (March 1927), the political radicalisation of Dalit women through the Mahila Parishads of the Independent Labour Party, and the formation of the Dalit Mahila Federation in 1942. Pardeshi's booklet provides a detailed analysis of Ambedkar's 1916 essay "Castes in India" (featured in this reader) showing how Ambedkar argued that women were the gateways of the caste system and how the caste system provided a structure for the subordination of women. She explains precisely why Ambedkar's framing of the Hindu Code Bill was a challenge to caste-based patriarchal laws. The booklet culture of the Ambedkarite counterpublics thus reclaim Ambedkar for feminism through writings and speeches that conflict with the dominant public.

Whereas these booklets are mainly preoccupied with the rational–critical dimension of the contributions of Ambedkar for women's liberation, the *gayan parties* (musical troupes), which constitute the second largest number of stalls at Ambedkarite calendar events, lend a dimension of social imagination. The music of the *gayan parties* is cross-regional and cross-generational. Often, unless it is mentioned in the composition or is obvious from the style, it is difficult to trace the original composer. In the 1990s, locally produced, inexpensive audiotapes expanded the reach of these songs. More people were encouraged to form *gayan parties* . This led to a revolution in quantity and musical variety. More women singers and troupes became prominent without eroding the popularity of live performances. Reconstructions of events in modern Indian history (especially the Poona Pact of 1932), and the struggles both in the everyday life of Ambedkar and the socio-political domain are recurrent themes in the audiocassettes that circulate at Ambedkarite calendar events.

Since 2000, new compositions like *Holi Manusmritiche* (Setting the Manusmriti Aflame) make an appearance. This is concomitant with the increase in the number of women composers and singers and the growing popularity of 25 December as Bharatiya Streemukti Divas in different regions in Maharashtra. There are other compositions such as *Jai Bhimwala Navra Pahije* (Wanted: An Ideal Ambedkarite Husband) that imagine women seeking advice from Ambedkar on how a husband may be reformed into a genuine Ambedkarite husband. Moreover, there are several Bauddha Mahila Geet (Buddhist women's songs), a distinct genre that describes *Jai Bhimwalya Nari* (a committed Ambedkarite women) and imagines a *Bhimwadi* (Ambedkarite settlement based on equality), an Ambedkarite women's utopia. The songs' meanings sometimes are heterogeneous and confusing. For instance, some contain Hindu symbols like *Kunkvacha Tila* (mark of vermillion), or impose new gendered codes of behaviour, and restrictions in defining the ideal Ambedkarite woman. These genres of Ambedkarite music constitute a complex field that cannot be easily reduced either to being labelled as an organising tool for politics or something all too readily appropriated by market forces.

The creation of simplistic binaries of emotional/rational and instrumental/expressive that operate in research on Dalit collective action coincide with the commonsensical understanding of the Marathi middle class public sphere that sees the booklets and musical meanings as being 'rhetorical' and 'irrational bhakti'. These dynamic resources remain relatively neglected by the academia. As argued earlier, printed and musical meanings do constitute 'new issues' like anticaste feminism within Ambedkarite counter publics. Research on Dalit collective action thus needs to look beyond easily reached conclusions about the emotive iconisation of Ambedkar and explore these emotions—both individual and collective—more seriously. The possible routes of circulation and translation of meanings of social imaginaries like *Jai Bhimwali Nari* (Ambedkarite woman) or *Bhimwadi* (Ambedkarite utopia) need further exploration. For now, it is important to keep in mind that a feminist reclamation of Ambedkar could not have started from anywhere but these heterotopic spaces. Drawing upon these print and musical cultures, the next section introduces a selection of Ambedkar's writings as feminist classics.

Cover of the 2001 release, Amhi Jaibhimwalya Nari (*We Ideal Ambedkarite Women*)

Cover of Aali Gaadi Bhimwadit *(The Caravan has Entered the Ideal Ambedkarite Settlement)*

Essential Writings for Feminists

In the aftermath of the Mandal agitations, feminist scholar Uma Chakravarti identified two disjunctive discourses: the sociological discourse on caste and the feminist one on gender. In her reading, the metropolitan discourse on caste had intellectualised and masked rather than explained the caste system. Within this context, Chakravarti's explicit intention of developing a feminist analysis of caste enabled her to foreground Ambedkar's formulation of caste as a system of graded inequalities. This became the basis of her explanation for the historical constitution of Brahmanical patriarchy, and for the links between caste and gender in the continued dominance of this kind of patriarchy across regions. In what follows, I seek to further detail the significance of Ambedkar's writings for the feminist discourse on the structure and practice of caste patriarchy.

The sheer expanse and depth of Ambedkar's written work, and the continuities and discontinuities therein, make a selection of his writings a difficult task. My selection remains partial due to my limited capacities to engage with this expansive literature and the explicitly stated focus of this collection—namely to recover Ambedkar's writings that link caste and gender and to reclaim these as feminist classics on Brahmanical patriarchy. While doing so, I have also referred to shorter speeches and writings in Marathi and English, mostly from *Dr. Babasaheb Ambedkar: Writings and Speeches* , Vol. 17, Part Three.

The selections from Ambedkar's writings are organised into three sections, each section comprising a contextual introduction, a summary, and cross-section readings that further define the contours of Ambedkar's

understanding of graded/Brahmanical patriarchy. The first section, “Caste as Endogamy: The Inextricable Links between Caste and Violence against Women”, brings together the two essays “Castes in India: Their Mechanism, Genesis and Development” (*BAWS* , Vol. 1, 5–22) and “The Rise and Fall of the Hindu Woman” (*BAWS* , Vol. 17, Part 2, 109–30). The former explores Ambedkar’s articulation of caste as endogamy and the connection between caste and the subordination of women. The latter essay contains an examination of the colonialist and nationalist divisions of Indian history, and a rejection of the dominant view on the Vedic period as a golden age for women.

The second section, “The Madness of Manu: Unpacking the Riddle of Graded Violence against Women”, discusses two riddles and shorter extracts. These are “Riddle No. 18: Manu’s Madness or Brahmanic Explanation of the Origin of the Mixed Castes” (*BAWS* , Vol. 4, 215–25), “Riddle No. 19: The Change from Paternity to Maternity: What did the Brahmans Wish to Gain by It?” (*BAWS* , Vol. 4, 226–32), and excerpts from the controversial “The Riddle of Rama and Krishna” (*BAWS* , Vol. 4, Appendix I, 323–43). Texts in this section may be cross-referenced with “The Woman and the Counter-Revolution” (*BAWS* , Vol. 3, 429–37), also published as the last section of the essay “The Rise and Fall of the Hindu Woman”. This section summarises Ambedkar’s investigation of ‘the madness of Manu’, the Brahman law-givers’ anxieties over ‘violation of endogamy’, and ‘unregulated womanhood’. A cross-sectional reading of Ambedkar’s riddles, I suggest, reveals the defining character of Brahmanical patriarchy, namely the graded character of gendered violence as a mode of organising the caste system.

The final section, “The Unwept and Unsung Death of the Hindu Code Bill”, turns to selections from the debate on Hindu Code Bill in parliament and Ambedkar’s resignation as Law Minister on witnessing the ‘death of the bill’. It brings together “Discussion on the Hindu Code Bill” (*BAWS* , Vol. 14, Part 1, 4–12, 267–81) and excerpts from “Statement by Dr B.R. Ambedkar in Parliament in Explanation of His Resignation from the Cabinet” (*BAWS* , Vol. 14, Part 2, Annexure I, 1317–27). This section explores the Bill in three ways. First, it looks at the Hindu Code Bill as Ambedkar’s proposal for democratising the private sphere. Second, it

delineates Ambedkar's strategic arguments in defence of the Bill or what came to be labelled as his agenda for 'unfettered freedom'. Finally, it outlines the opposition to the Bill and sees this conservative opposition as the suspension of the democratic social contract.

Coda

In 1927, speaking at the historic gathering of Dalit women, Ambedkar asked:

> What is the difference between children born to Kayastha and other *savarna* women sitting in this meeting and us? You must think and realise that you have as much character and purity as a Brahman woman. In fact, the courage and will to act that you possess, even the Brahman woman lacks. Then why must children born to you be insulted? You've not given this a thought—or else you would have organised a Satyagraha…

A lot has happened since Ambedkar delivered that speech. Politicised Dalit women have done much more than merely mull over Ambedkar's words. In their assumed capacity as 'dutiful daughters' of Babasaheb, Dalit feminists have sustained a long-term defiance of Brahmanical feminisms and patriarchal ideologies and practices of anticaste politics. In so doing, they have traced different histories and futures of feminism and anticaste politics in India. The feminist legacy of Ambedkar remains to be claimed in its full potential by non-Dalit feminists and Dalit men. This book is a limited effort in that direction by a non-Dalit feminist.

Section 1Caste as Endogamy The Inextricable Links Between Caste and Violence Against Woman

“CASTES IN INDIA: Their Mechanism, Genesis and Development”, a research paper in which Ambedkar seeks to establish caste as a product of sustained endogamy, was written in 1916 at Columbia University for the anthropology seminar of Dr A.A. Goldenweiser and eventually published in the *Indian Antiquary* in 1917. In 1913, assisted by a scholarship from Maharaja Sayaji Rao of Baroda, Ambedkar had enrolled as a student in the faculty of political science at Columbia University, United States. In this essay, Ambedkar critiques the essentialisation of caste and seeks to establish its knowability—as a theoretical and practical problem. Specifically, he seeks to understand intermarriage restrictions, social relations, and the re-rooting of caste structure in new spaces. In contrast to the anthropological equation of caste to race in his time, Ambedkar counted cultural homogeneity, notwithstanding racial difference, among India’s distinctions as a nation. So the problem, as it were, was to explain exactly how this homogenous culture splintered into neat, impervious parcels, or how caste evolved.

To start, he brackets the origin of intellectual positions on caste formation. By his lights, with regard to existing colonial discourse on race and cultural evolution, biography and origin more than justifiably slant anthropologists’ ideas, such that colour either gains undue influence, or occupation, migration, and ‘new beliefs’ are located at the very core of caste formation. For instance, when gripped by the notion of jatis as isolated units, caste studies was blind to the crucial point that caste was a system constituted by interdependent components and their composition forming an integrated whole. This led to the misdiagnosis of symptoms such as the absence of mixing with other castes as causes. Here, his drawing attention to sociologist and historian S.V. Ketkar’s formulation is much more than Ambedkar endorsing a ‘native’ position. Rather, he illuminates the

‘openness’ that allows Ketkar to examine caste in relation to the entire system of caste. Furthermore, he reasons that caste’s two characteristics—intermarriage prohibitions and membership by autogeny as Ketkar outlined—flanked the same coin. In other words, endogamy (absence of intermarriage) was the essence of the caste system. Ambedkar goes on to make extra-domestic comparisons with the United States where racial endogamy did not lead to caste formation, unlike India where racially mixed, culturally homogenous peoples were artificially divided into fixed units of castes. In so doing, he attempts to establish endogamy as a characteristic so peculiar to caste that it spawned and sustained a range of mechanisms in the development of a structure we know as the caste system.

While primarily concerned with how caste developed, Ambedkar’s discussion of endogamy also defines an important shift in social relations. Endogamy effectively superimposed the existing practice of exogamy that he maintains was the elemental law of primitive societies, including those in the subcontinent. How did this superimposition actually occur, and how was the marriage circle formed? Practically speaking, it was an issue of parity between marriageable units, men and women, or how to maintain it. By thus framing caste within gender differences that determined the value of surplus man and surplus woman, Ambedkar was laying the base for what was, properly speaking, a feminist take on caste.

We learn that the surplus woman is ‘disposed of’ in one of two ways. When sati—burning a woman on her husband’s pyre—was not possible, enforced and degraded widowhood was pressed into service. Of course, ‘male superiority among groups’ did not allow a surplus man, or a widower, to be subject to the same treatment. Because losing a man was losing labour and depleting group numbers, the problem was resolved by marrying him to someone from a not-yet marriageable group, a moral fence scaled by institutionalising girl child marriage. It is precisely for this reason that Ambedkar’s view of caste was entrenched in endogamy, which by its prohibition on intermarriage provided the basic framework for the development of the caste structure.

Regarding endogamy’s outcome, Ambedkar maintains that scholars have spent more time charting how sati, child marriage, and enforced

widowhood accrued social value than investigating their origins. Here, he is no doubt highlighting a double manoeuver by which Brahmanical ideology both preserved and eulogised the very practices that degraded women. In Ambedkar's formulation, three operations central to the origin and development of caste come to light: intra-group organisation of reproduction, violent control of surplus woman's sexuality, and legitimating control practices through ideology.

Promising to explain the exact process at a later date, Ambedkar maintains that caste is enclosed class, and that Brahmans were the first class to raise the walls of endogamy, a custom that non-Brahmans certainly emulated, though not strictly. He rules out imposition by law-givers (caste existed prior to Manu), divine dispensation, and/or social growth as reasons for the spread of endogamy. His argument that 'some closed doors—others found them closed' draws on French sociologist Gabriel Tarde's law of imitation in an effort to show that the practice of imitation of endogamy flowed from higher to lower levels, and that the extent of imitation varied inversely in proportion to caste proximity. Whereas castes closest to Brahmans imitated all three customs, those further away pursued only those beliefs present in caste principles. Moreover, we learn that enclosure and endogamy were always under threat of violation or innovation, and prescribed options of penalties, particularly excommunication, lead to the formation of new castes.

In focusing on endogamy, Ambedkar is essentially drawing attention to the inferior status of women within caste groups, that he claims produced two significant results. Firstly, the surplus man and the surplus woman received differential treatment, or as Ambedkar puts it, 'man—as a maker of injunctions is most often above them all'. Secondly, because gendered violence became common and naturalised, castes were regarded as born not made, thus making them automatically exclusionary. By this, sati, and enforced and degraded widowhood became the chief means to disposing of surplus—practices that castes closest to Brahmans replicated variously, resulting in male superiority in all castes across the hierarchy. It is for this reason that Ambedkar saw caste's exclusionary violence and subjugation of women inherent in the very processes that lead to caste formation.

In discussing Ambedkar's take on sati, one might recall the debates around Roop Kanwar's sati in Deorala, Rajasthan, in 1987. Ironically, feminists condemning the event found themselves at the receiving end of multiple attacks. The ensuing debate among academics, feminists, and sociologists—which rarely invoked Ambedkar's views on sati—was otherwise caught in a series of polarities between tradition and modernity, rural and urban, and materialism and spirituality. Some held that the urban and elite slant of anti-sati activists prevented them from fully grasping the implication of rural sati, specifically the struggle of traditional communities to protect themselves from the homogenising tendencies of the Indian nation-state. Eminent critical thinker Ashis Nandy, for example, while criticising the interventions by women's groups that catalysed anti-sati legislation—the Commission of Sati (Prevention) Act, 1987—also distinguished between sati in mythical time and sati in historical time, namely between event (*ghatana*) and custom (*pratha*). This stand invited wide-ranging criticism by feminists who felt he was condoning sati.

In a seminal essay marking a signpost in the cultural history of India, feminist scholars Vaid and Sangari highlighted the creation of selective tradition identifying the role of discursive and political processes in the making of traditions. They suggested that reconstitution of patriarchies was central to the formation of 'Indian tradition', the making and remaking of the Indian nation, and the demarcation of boundaries of religion, caste, and community. This feminist insight was significant in posing a multitude of patriarchies and underlining how the multiple patriarchies could be both colluding and competing. One stands in agreement with feminists, who, in mapping the making of a selective tradition of sati, demystified homogenous conceptions of a traditional and rural India. However, given the discursive silence on Ambedkar's theory—that caste formation stemmed from the complex of caste violence and subjugation of women—Brahmanical patriarchy in its capacity as the dominant structure of social violence was overlooked by both Nandy and the feminists.

To their credit, not all academics have resisted the strength of Ambedkar's writings. According to sociologist Vivek Kumar, reductive readings of Ambedkar's work means its potential as an alternative position in existing discourse is severely undervalued. Feminist anthropologist Kamala

Visweswaran holds that reviving Ambedkar's comparative work on caste and race would relieve caste history of anthropological exceptionalism and Indian nationalism. For their part, French political scientist Christophe Jaffrelot, and feminist sociologist Kalpana Kannabiran have critiqued three generations of sociological disregard of Ambedkar's counter-hegemonic theory of caste formation. As for active influence, Ambedkar's identification of imitation has propelled the widely deployed heuristic concept of Sanskritisation in modern Indian studies, introduced some forty years later by M.N. Srinivas.

Derivation notwithstanding, Kannabiran locates a significant gap between Ambedkar and Srinivas, firstly in vantage and objective, and secondly in that Srinivas underplays the ingrained violence of caste. Suggesting that 'in the Varna scheme Harijans pollute' instantaneously eliminates any possibility of theorising caste violence. Furthermore, in his reading, 'low castes are more liberal in the spheres of marriage' and are prone to emulate child marriage and enforced widowhood towards upward mobility. Elsewhere, his statements on how non-Brahman castes internalise Brahmanical values pertaining to women reduce gender to a descriptive category. In his analysis of caste in "The Changing Position of Indian Women", Srinivas writes that Sanskritisation was a process 'resulting in harshness towards women' because 'marriage has to occur within the jati'. Generally, and in its details, these ideas which mask systemic and systematic violence sharply contrast with Ambedkar's in which the origins of the caste system and its control of women were ineluctably intertwined.

According to Jaffrelot, Ambedkar's theory that caste's codification took place less through Brahmanical imposition than emulation disseminated across castes constitutes a flash of sociological genius, despite the implausibility of his connections between caste's origins and violent practices against women. I would disagree with Jaffrelot, for Ambedkar's description of women as gateways of the caste system was veritably an unprecedented sociological observation to be taken forward. Jaffrelot's criticism of 'implausibility' seems to derive from an over-reading of the aims of the essay "Castes in India". It may be recalled that the essay was primarily aimed to contest racial assumptions in colonial anthropological and nationalist discourse on the origins of the caste system, an analysis of

its functioning, and possible causal factors. It did not aim to unravel historical development.

Sociologist M.S. Gore has refuted Ambedkar's thesis of the differential 'disposal' of 'surplus man' and 'surplus woman'. Gore argues that the prevalence of polygamy among the Hindus puts the very concept of surplus woman into question. Conversely feminist research has amply demonstrated that historically the practice of polygamy has co-existed with enforced widowhood and sati, thereby putting into question Gore's contention that the practice of polygamy could sustain parity between marriageable units in a group. Moreover, polygamy was circumscribed by caste, such that polygamous unions across castes were governed by differential rules of affinity and social paternity that Ambedkar later addressed in "Riddle No. 18"—the shift from 'Paternity to Maternity'.

Demystifying the Vedic Golden Age

At the Depressed Classes Conference at Yeola in 1935, Ambedkar had made a now oft-cited speech: 'I was born a Hindu and have suffered the consequences of untouchability. I will not die a Hindu.' In "Annihilation of Caste" (1936), Ambedkar had questioned socialists by denying the singular capacity of property to define power in favour of religion and social status, which history had proven had been equally defining for authority. In 1942, during his tenure as Labour Member of the Viceroy's Executive Council, Ambedkar more thoroughly and rationally pursued these issues by evaluating the changing dynamic between caste, Brahmanism, and power. In the 1940s, Hindu identity was varyingly mobilised for the nationalist cause. Whereas the Hindu Mahasabha imagined a 'Hindu Nation', the Congress, even as it projected a secular identity, had assumed untouchables to be Hindus. By 1945, one of Ambedkar's major works, *What Congress and Gandhi have Done to the Untouchables* , had lambasted the Poona Pact's facilitation of an electoral system that further underscored the capacity of caste-Hindu society to control untouchable candidates elected in reserved seats. Located within this milieu, "The Rise and Fall of the Hindu Woman", a classic Enlightenment-style text that charts the descent of women's status in society, has suffered neglect at the hands of academics. Given that Ambedkar's historical writings are characterised by continuity of

ideas and purpose, it is only fitting that “The Rise and Fall of the Hindu Woman” be read in intersection with his analysis of the origins of Shudras and untouchables and his examination of the periodisation of history.

Ambedkar dedicated his historically slanted *Who Were the Shudras?* to Jotirao Phule, the nineteenth-century radical theorist. Though Ambedkar’s project of history writing departs from Jotirao Phule’s racial theory of caste, it was influenced by Phule’s historical analysis in *Gulamgiri* (*Slavery* , 1872). Ambedkar’s own search for the historical origins of the Shudras and the untouchables lead him to reject both the racial theory of Aryan invasion and the Purushasukta theory of divine origin. In 1946, he argued that Shudras were a subset of the Kshatriyas demoted by Brahmans by denying them *upanayana* (sacred initiation) and thus dooming them to social degradation, ignorance and poverty. This interpretation was based on an intertextual reading of the Shudra Paijvan performing sacrifice in the Shantiparva of the Mahabharata and on a comparative reading of the presence and absence of Shudras and Dasas and Dasyus respectively in early and later Vedic literature.

A year later, he grapples with the identity of untouchables and why they became such via the link between two events in ancient Indian history. The first occurred when a Brahman commander, Pushyamitra Sunga, killed a Mauryan king. The second was the writing of the *Manusmriti* . In a remarkably complex argument, he defines the core focus of Indian history in the conflict between Buddhism and Brahmanism and thereby attempts to establish untouchables as ‘broken men’, or as defeated tribes outside the caste system that were hostile to its logic and that refused to leave Buddhism under Brahman pressure. In this reading, therefore, untouchability is defined on the lines of ‘broken men’ resisting Brahmanism and refusing to give up consumption of beef despite the evolving Brahman pronouncement of the cow as a sacred animal.

Subsequently, in “The Revolution and Counter-Revolution in India” (1956), he questions scholars pronouncing Brahmanism, Buddhism, and Jainism non-antagonistic, as well as those who explain all conflict exclusively in terms of political dynasties without factoring in social antagonisms. He proposes an alternate periodisation of history under the umbrella of

Brahmanic India, Buddhist India and Hindu India. The first, Ambedkar characterises as a barbarian phase of Aryan society of the Vedic period. The second, as a phase of rise of civilisation and the Buddhist revolution of the Maurya empires of Magadha. The third phase, marked by the rise of Pushyamitra Sunga to power and the writing of the *Manusmriti* , Ambedkar designates as a period of counter-revolution, for this was marked by the triumph of caste and the subordination of women and Shudras.

In "Castes in India", Ambedkar propounded the theoretical links between the origins of the caste system, its functioning and the subjugation of women. In "Revolution and Counter-Revolution in India" he unravels the historical development of this link through a comparative study of Buddhist and Brahmanical texts. Focusing on the Buddhist narrative tradition, he argues that if Buddhism's emergence in India resembled a revolution, Brahmanism's subsequent triumph represented a counter-revolution. In "The Woman and Counter-Revolution", he claims that this counter-revolution after imposing untouchability on 'broken men' also clamped down on women denying them freedoms they enjoyed under Buddhism.

"The Rise and Fall of the Hindu Woman", published in the journal *Maha Bodhi* in 1951, was Ambedkar's response to an article published in the magazine *Eve's Weekly* that blamed the Buddha for the fall of women from the 'golden position'. Perhaps alluding to the nationalist myth of the Vedic woman, Ambedkar claims to see a pattern in such indictment and urges an examination of the roots of the repeated charge against the Buddha.

The text lists three oft-repeated accusations against the Buddha with regard to women. Firstly, the Buddha forbade all interaction with women. This refers to a dialogue between Buddha and Ananda in Chapter V of the *Mahaparinibbana Sutta* . Secondly and thirdly, Buddha opposed women's demands to take *parivraja* (ordination) and when he did permit the same he also subordinated the Bhikkhuni Sangha (community of women disciples) to the Bhikkhu Sangha (community of male disciples). The text attempts a rational rebuttal of these allegations against the Buddha by analysing how codification distorts oral traditions. Ambedkar presents textual evidence that contradicts the charges, and makes historical comparisons between the

Buddha's position on women and women's positions before and after the rise of Buddhism.

In his defence of the Buddha, Ambedkar turns to complex questions that historians continue to struggle with, such as the politics of codification and commentary and the near impossibility of identifying later insertions. He argues that the *Sutta Pitaka* was reductively transcribed four hundred years after the Buddha and it is therefore likely that it was compiled by monks for whom celibacy had attained significance. He contends that as a rule what is valuable to the monk is interpolated to the master. This conclusion emerges from comparing the Chinese version of the Sutta with the Indian one, as well as different passages from the same Sutta that fail to withstand the claim that the Buddha asked Ananda to shun contact with women. On the contrary, they quote the Buddha as having praised Ananda's meeting women inside and outside the order as a virtue. Ambedkar also foregrounds evidence of the Buddha himself having neither expressed disdain for women nor shunned contact with them despite the importance he placed on celibacy. Ambedkar's concluding statements present evidence suggesting that the Buddha did not forbid interaction with women, and only advised Bhikkhus to 'call upon mother-mind, sister-mind, or the daughter-mind' when in contact with women.

With regard to the other two charges against the Buddha, Ambedkar maintains that the Buddha's opposition to women's demand for *parivraja* , apparent in the dialogue with Ananda, is based neither on moral nor intellectual grounds. On allowing women into the Sangha, the immediate question was whether to form a single mixed Sangha or separate Sanghas for males and females. So the relation between the two Sanghas was not about subordination but about hierarchy between teacher and pupil, as the Bhikkhu Sanghas were already institutionalised and therefore entrusted with the work of instruction to the Bhikkhuni Sanghas. In conclusion, he leaves us with a thorny question: 'Are not the nunneries subordinate to the monasteries? Of course they are? Can anybody therefore say that Christianity treats women as inferior to men?'

Subsequently, Ambedkar proceeds to describe the Buddha's general attitude towards women. He points out that opponents of the Buddha fail to

acknowledge the Buddha's radicalism in allowing *parivraja* to women, especially in light of the Brahmanic theory's denial of the same. The emergence of *sanyas* (renunciation) as an ideal is dated to the later Upanishads and was conditional on not being allowed to Shudras and women. Coming after the Buddha, Manu's denial of *sanyas* to women did not only reiterate an older Brahmanic ideal but in Ambedkar's words added 'insult to injury'. To the injury of denying women access to knowledge, Manu adds the insult of justifying the denial on the grounds that women were spiritually, morally, and intellectually inferior to men.

Referring to songs of the Theris (Buddhist nuns), Ambedkar proposes that the freedom of the Bhikkhuni Sangha was not empty. It was accompanied by liberty and dignity irrespective of sex. It recognised women as rational human beings capable of intellectual communion. The Buddha, we learn, opened up radical possibilities by not placing a premium on virginity and by opening the Sangha to women of all categories—married, unmarried, widows, and prostitutes—a point that Ambedkar reiterates in *The Buddha and His Dhamma* in the chapter entitled "Conversion of Women". Here, the Buddha is quoted speaking with Prakriti, a Chandalika (woman of low birth). He lauds Prakriti for her path of justice and righteousness that would become a model for Brahmans and claims that her glory would outshine that of the queens, all this despite her low birth.

The last section of the essay, which borrows heavily from his earlier, then unpublished text, "Women and Counter-Revolution/ Riddle of Women", compares the rights of women in the pre-Manu and Manu eras, and emphasises the latter as the period that initiates the subordination of women. Specifically, he calls attention to Manu's description of women as immoral, disloyal, and impure that is then used to justify his injunction against their freedom under all circumstances. Ambedkar contends that Manu's rulings were a reaction to the freedom women enjoyed in the Buddhist period. Manu's design of ideal womanhood, which was based on exalting the husband, or the *pativrata* ideology, reinforced the gendered contours of the Brahmanic counter-revolution. Prior to Manu, this ideal had been only a theory of the Brahmans. Manu, claims Ambedkar, made the ideal and the related practices—such as denying funerals to women joining heretic sects and those born of mixed unions—state law. In conclusion,

Ambedkar views Manu's turning of what were specifically Brahmanic ideals for women into state law in terms of a defence mechanism. Manu's laws should be read as a preemptive response to the potential threat to Brahmanical religion—if women and Shudras turned to Buddhism for succour.

We saw earlier how Ambedkar's "Castes in India" faced academic neglect from sociologists. In a similar vein, there is a near-complete absence of an engagement with Ambedkar's writings on ancient India by historians. They have passed over Ambedkar's alternative periodisation of Indian history and its interpretation as a conflict of the religious and the social system. It has been argued that at the time of Indian independence Indian scholars inherited a subcontinental history incorporating two substantial views of the past: the colonial and the nationalist. Colonial historians seemed to have worked on a few basic assumptions: that Indian history was periodised by Hindu, Muslim and British; that precolonial society was statically characterised by private property; and that Hindu society had always been divided into race-based castes. Nationalists who accepted the periodisation nonetheless questioned the last two assumptions. As they saw it, social historians of Hindu society depended primarily on normative texts such as the Dharma Shastras. No wonder Ambedkar noted that the colonial and nationalist emphasis on the Indo-European roots to Vedic culture only limited the compass of historical discourse. Instead, he sought a more robust and thorough critique of periodisation, sources, and methodology deployed in studying Indian history.

So the questions remain: Why ignore Ambedkar? What purpose did it serve? Historian Romila Thapar has attributed the lack of Ambedkar citations pertaining to Dalit and Shudra history in colonial social history to Ambedkar's special understanding of caste in terms of authority and subservience. 'For him caste was not just a social hierarchy but was linked to issues of domination and subordination.' Where Thapar's argument might explain why nationalist historians have overlooked Ambedkar's work, it fails to clarify why more socially engaged Marxist and feminist historians were equally negligent. Writing on Shudras in ancient India, R.S. Sharma, while admitting that Ambedkar's book is the only monograph on the topic, is quick to disparage it as a 'political work' by one who not only confined

himself to the origins question but also depended on translation rather than primary literature. He further assumes that Ambedkar 'seems to have worked with the fixed purpose of proving a high origin for the shudras', a tendency which he sees 'as much in evidence among the educated sections of the lower caste people of the times'.

Sharma simply fails to grasp the particular dynamic Ambedkar traces between identity, ideology, and the project of history writing in his preface to *Who Were the Shudras?* Declaring himself a 'non-Brahman scholar' seeking a natural explanation of a human problem, Ambedkar also insists that the book not be misread as a preface to non-Brahman politics. Further, detailing the difference in the attitude of a Brahman and non-Brahman scholar towards sacred literature as a source for social history; he declares 'I am a non-Brahman, not even a non-Brahman but an untouchable.' This admission of identity clearly indicates cognisance of the ease with which his endeavor might be discredited as 'merely a political project'. Y.S. Alone, a scholar of art and aesthetics, has identified similarities between R.S. Sharma's and Ambedkar's generalisations on Shudra origins, and he credits scholars' slights and omissions of Ambedkar's historical work to academic prejudice. The theoretician and founder of the Satyashodhak Communist Party, Sharad Patil, has offered the only serious and sustained dialogue with Ambedkar's methods and sources.

Indian feminist scholarship has had significant results from questioning the assumptions that have determined the kind of facts and explanations offered for changes in the status of women in ancient India. It is a forerunner in suggesting a more nuanced understanding of the contradictions of reform and nationalism in recuperating patriarchal structures and ideologies. However, obsessive engagements with colonial discourses and focus on the limitations of West-inspired reform initiatives have typically obscured how domination varies across caste and gender, and to an extent deterred a feminist appraisal of the writings of Ambedkar on Indian history.

In the late 1980s, against the backdrop of rising Hindutva politics, Uma Chakravarti's pertinent essay "Whatever Happened to the Vedic Dasi?" brought under scrutiny the hyper-visibility of the Aryan woman and disappearance of the woman in servitude (Dasi) in nineteenth-century

Hindu liberal and conservative discourses. More recently, feminist historians such as Kumkum Roy have drawn attention to the resurgence of the Vedic woman in writings concerning gender relations in early India. These writings by feminist historians call for further feminist engagement on the many constructions and reconstructions of the myth of the Vedic period as a golden age for women. Ambedkar's history of revolution and counter-revolution in "The Rise and Fall of the Hindu Woman", which sets the nationalist construction of the 'Golden Vedic Age' theory on its head, justifiably should be regarded as one of the proto-feminist approaches to writings on ancient India. At the end of this essay, Ambedkar states that those seeking the truth will not place the blame for the downfall of women on the Buddha but on Manu. Indeed, in the past decade, in the aftermath of the implementation of the recommendations of the Mandal Commission and the assertion of Dalit feminism, feminist scholarship has sought to unravel the 'truth' of Brahmanical patriarchy and therefore taken Manu to task by exploring the possibilities Buddhism offered to women. A feminist reclamation of "The Rise and Fall of the Hindu Woman" would lead to a fruitful discussion between Ambedkar's Buddha and contemporary feminist positions on the question of whether Buddhism provides a viable alternative to Brahmanical patriarchy.

Castes in India Their mechanism, genesis and Development

This paper was first read before the anthropology seminar of Dr A.A. Goldenweiser at Columbia University, New York, on 9 May 1916 and first published in *Indian Antiquary* , May 1917, Vol. XLI, 81–95. The text used here, with numbered paragraphs, is based on the *Indian Antiquary* (1917) version and not the *BAWS* , Vol. 1 (1979) version. All italics for emphasis are from the original.

[1] Many of us, I dare say, have witnessed local, national or international expositions of material objects that make up the sum total of human civilization. But few can entertain the idea of there being such a thing as an exposition of human institutions. Exhibition of human institutions is a strange idea; some might call it the wildest of ideas. But as students of Ethnology I hope you will not be hard on this innovation, for it is not so, and to you at least it should not be strange.

[2] You all have visited, I believe, some historic place like the ruins of Pompeii, and listened with curiosity to the history of the remains as it flowed from the glib tongue of the guide. In my opinion a student of Ethnology, in one sense at least, is much like the guide. Like his prototype, he holds up (perhaps with more seriousness and desire of self-instruction) the social institutions to view, with all the objectiveness humanly possible, and inquires into their origin and function.

[3] Most of our fellow students in this seminar, which concerns itself with primitive versus modern society, have ably acquitted themselves along these lines by giving lucid expositions of the various institutions, modern or primitive, in which they are interested. It is my turn now, this evening to entertain you, as best I can, with a paper on “Castes in India: Their Mechanism, Genesis and Development”.

[4] I need hardly remind you of the complexity of the subject I intend to handle. Subtler minds and abler pens than mine have been brought to the task of unravelling the mysteries of caste; but unfortunately it still remains in the domain of the 'unexplained', not to say of the 'un-understood'. I am quite alive to the complex intricacies of a hoary institution like caste, for I believe it can be known. The caste problem is a vast one, both theoretically and practically. Practically, it is an institution that portends tremendous consequences. It is a local problem, but one capable of much wider mischief, for 'as long as caste in India does exist, Hindus will hardly intermarry or have any social intercourse with outsiders; and if Hindus migrate to other regions on earth, Indian caste would become a world problem.' Theoretically, it has defied a great many scholars who have taken upon themselves, as a labour of love, to dig into its origin. Such being the case, I cannot treat the problem in its entirety. Time, space and acumen, I am afraid, would all fail me, if I attempted to do otherwise than limit myself to a phase of it, namely, the genesis, mechanism and spread of the caste system. I will strictly observe this rule, and will dwell on extraneous matters only when it is necessary to clarify or support a point in my thesis.

[5] To proceed with the subject. According to well-known ethnologists, the population of India is a mixture of Aryans, Dravidians, Mongolians and Scythians. All these stocks of people came into India from various directions and with various cultures, centuries ago, when they were in a tribal state. They all in turn elbowed their entry into the country by fighting with their predecessors, and after a stomachful of it, settled down as peaceful neighbours. Through constant contact and mutual intercourse they evolved a common culture that superseded their distinctive cultures. It may be granted that there has not been a thorough amalgamation of the various stocks that make up the people of India, and to a traveller from within the boundaries of India the East presents a marked contrast in physique and even in colour to the West, as does the South to the North. But amalgamation can never be the sole criterion of homogeneity as predicated of any people. Ethnically all people are heterogeneous. It is the unity of culture that is the basis of homogeneity. Taking this for granted, I venture to say that there is no country that can rival the Indian peninsula with respect to the unity of its culture. It has not only a geographic unity, but is has over and above all a deeper and a much more fundamental unity—the

indubitable cultural unity that covers the land from end to end. But it is because of this homogeneity that caste becomes a problem so difficult to be explained. If Hindu society were a mere federation of mutually exclusive units, the matter would be simple enough. But caste is a parcelling of an already homogeneous unit, and the explanation of the genesis of caste is the explanation of this process of parcelling.

[6] Before launching into our field of enquiry, it is better to advise ourselves regarding the nature of a caste. I will therefore draw upon a few of the best students of caste for their definitions of it:

1. Mr Senart, a French authority, defines a caste as ‘a close corporation, in theory at any rate rigorously hereditary; equipped with a certain traditional and independent organization, including a chief and a council, meeting on occasion in assemblies of more or less plenary authority and joining together at certain festivals; bound together by common occupations, which relate more particularly to marriage and to food and to questions of ceremonial pollution; and ruling its members by the exercise of jurisdiction, the extent of which varies, but which succeeds in making the authority of the community more felt by the sanction of certain penalties and, above all, by final irrevocable exclusion from the group.’

2. Mr Nesfield defines a caste as ‘a class of the community which disowns any connection with any other class and can neither intermarry nor eat nor drink with any but person of their own community.’

3. According to Sir H. Risley, ‘a caste may be defined as a collection of families or groups of families bearing a common name which usually denotes or is associated with specific occupation, claiming common descent from a mythical ancestor, human or divine, professing to follow the same professional callings and are regarded by those who are competent to give an opinion as forming a single homogeneous community’.

4. Dr Ketkar defines caste as ‘a social group having two characteristics: (i) membership is confined to those who are born of members and includes all persons so born; (ii) the members are forbidden by an inexorable social law to marry outside the group.’

[7] To review these definitions is of great importance for our purpose. It will be noticed that taken individually the definitions of three of the writers include too much or too little: none is complete or correct by itself and all have missed the central point in the mechanism of the caste system. Their mistake lies in trying to define caste as an isolated unit by itself, and not as a group within, and with definite relations to, the System of Caste as a whole. Yet collectively all of them are complementary to one another, each one emphasising what has been obscured in the other. By way of criticism, therefore, I will take only those points common to all castes in each of the above definitions which are regarded as peculiarities of caste and evaluate them as such.

[8] To start with Mr Senart. He draws attention to the 'idea of pollution' as a characteristic of caste. With regard to this point it may be safely said that it is by no means a peculiarity of caste as such. It usually originates in priestly ceremonialism and is a particular case of the general belief in purity. Consequently its necessary connection with caste may be completely denied without damaging the working of caste. The 'idea of pollution' has been attached to the institution of caste, only because the caste that enjoys the highest rank is the priestly caste: while we know that priest and purity are old associates. We may therefore conclude that the 'idea of pollution' is a characteristic of caste only in so far as caste has a religious flavour. Mr Nesfield in his way dwells on the absence of messing with those outside the caste as one of its characteristics. In spite of the newness of the point we must say that Mr Nesfield has mistaken the effect for the cause. Caste, being a self-enclosed unit, naturally limits social intercourse, including messing etc. to members within it. Consequently this absence of messing with outsiders is not due to positive prohibition, but is a natural result of caste, i.e. exclusiveness. No doubt this absence of messing, originally due to exclusiveness, acquired the prohibitory character of a religious injunction, but it may be regarded as a later growth. Sir H. Risley makes no new point deserving of special attention.

[9] We now pass on to the definition of Dr Ketkar who has done much for the elucidation of the subject. Not only is he a native, but he has also brought a critical acumen and an open mind to bear on his study of caste. His definition merits consideration, for he has defined caste in its relation to

a System of Castes, and has concentrated his attention only on those characteristics which are absolutely necessary for the existence of a caste within a system, rightly excluding all others as being secondary or derivative in character. With respect to his definition it must, however, be said that in it there is a slight confusion of thought, lucid and clear as otherwise it is. He speaks of *Prohibition of Intermarriage* and *Membership by Autogeny* as the two characteristics of caste. I submit that these are but two aspects of one and the same thing, and not two different things as Dr Ketkar supposes them to be. If you prohibit intermarriage the result is that you limit membership to those born within the group. Thus the two are the obverse and the reverse sides of the same medal.

[10] This critical evaluation of the various characteristics of caste leaves no doubt that prohibition, or rather the absence of intermarriage—endogamy, to be concise—is the only one that can be called the essence of caste when rightly understood. But some may deny this on abstract anthropological grounds, for there exist endogamous groups without giving rise to the problem of caste. In a general way this may be true, as endogamous societies, culturally different, making their abode in localities more or less removed, and having little to do with each other, are a physical reality. The Negroes and the Whites and the various tribal groups that go by the name of American Indians in the United States may be cited as more or less appropriate illustrations in support of this view. But we must not confuse matters, for in India the situation is different. As pointed out before, the peoples of India form a homogeneous whole. The various races of India occupying definite territories have more or less fused into one another and do possess cultural unity, which is the only criterion of a homogeneous population. Given this homogeneity as a basis, caste becomes a problem altogether new in character and wholly absent in the situation constituted by the mere propinquity of endogamous social or tribal groups. Caste in India means an artificial chopping off of the population into fixed and definite units, each one prevented from fusing into another through the custom of endogamy. Thus the conclusion is inevitable that *endogamy is the only characteristic that is peculiar to caste* , and if we succeed in showing how endogamy is maintained, we shall practically have proved the genesis and also the mechanism of caste.

[11] It may not be quite easy for you to anticipate why I regard endogamy as a key to the mystery of the caste system. Not to strain your imagination too much, I will proceed to give you my reasons for it.

[12] It may not also be out of place to emphasise at this moment that no civilised society of today presents more survivals of primitive times than does Indian society. Its religion is essentially primitive, and its tribal code, in spite of the advance of time and civilisation, operates in all its pristine vigour even today. One of these primitive survivals, to which I wish particularly to draw your attention, is the *custom of exogamy* . The prevalence of exogamy in the primitive worlds is a fact too well known to need any explanation. With the growth of history, however, exogamy has lost its efficacy, and excepting the nearest blood-kin, there is usually no social bar restricting the field of marriage. But regarding the peoples of India the law of exogamy is a positive injunction even today. Indian society still savours of the clan system, even though there are no clans; and this can be easily seen from the law of matrimony which centres round the principle of exogamy, for it is not that s *apindas* (blood-kin) cannot marry, but a marriage even between s *agotras* (of the same class) is regarded as a sacrilege.

[13] Nothing is therefore more important for you to remember than the fact that endogamy is foreign to the people of India. The various *gotras* of India are and have been exogamous; so are the other groups with totemic organisation. It is no exaggeration to say that with the people of India exogamy is a creed and none dare infringe it, so much so, that in spite of the endogamy of the castes within them, exogamy is strictly observed and that there are more rigorous penalties for violating exogamy than there are for violating endogamy. You will, therefore, readily see that with exogamy as the rule there could be no caste, for exogamy means fusion. But we have castes; consequently in the final analysis creation of castes, so far as India is concerned, means the superposition of endogamy on exogamy. However, in an originally exogamous population an easy working out of endogamy (which is equivalent to the creation of caste) is a grave problem, and it is in the consideration of the means utilised for the preservation of endogamy against exogamy that we may hope to find the solution to our problem.

[14] *Thus the superposition of endogamy of exogamy means the creation of caste* . But this is not an easy affair. Let us take an imaginary group that desires to make itself into a caste and analyse what means it will have to adopt to make itself endogamous. If a group desires to make itself endogamous, a formal injunction against intermarriage with outside groups will be of no avail, especially if prior to the introduction of endogamy, exogamy had been the rule in all matrimonial relations. Again, there is a tendency in all groups lying in close contact with one another to assimilate and amalgamate, and thus consolidate into a homogeneous society. If this tendency is to be strongly counteracted in the interest of caste formation, it is absolutely necessary to circumscribe a circle outside which people should not contract marriages.

[15] Nevertheless, this encircling to prevent marriages from without creates problems from within which are not very easy of solution. Roughly speaking, in a normal group the two sexes are more or less evenly distributed, and generally speaking there is equality between those of the same age. The equality is, however, never quite realised in actual societies. At the same time, to the group that is desirous of making itself into a caste, the maintenance of equality between the sexes becomes the ultimate goal, for without it, endogamy can no longer subsist. In other words, if endogamy is to be preserved, conjugal rights from within have to be provided for; otherwise members of the group will be driven out of the circle to take care of themselves in any way they can. But in order that the conjugal rights be provided for from within, it is absolutely necessary to maintain a numerical equality between the marriageable units of the two sexes within the group desirous of making itself into a caste. It is only through the maintenance of such equality that the necessary endogamy of the group can be kept intact, and a very large disparity is sure to break it.

[16] *The problem of caste, then, ultimately resolves itself into one of repairing the disparity between the marriageable units of the two sexes within it* . Left to nature, the much needed parity between the units can be realised only when a couple dies simultaneously. But this is a rare contingency. The husband may die before the wife and create a *surplus woman* , who must be disposed of; else through intermarriage she will violate the endogamy of the group. In like manner the husband may survive

his wife and be a *surplus man* , whom the group, while it may sympathise with him for the sad bereavement, has to dispose of; else he will marry outside the caste and will break the endogamy. Thus both the *surplus man* and the *surplus woman* constitute a menace to the caste if not taken care of, for not finding suitable partners inside their prescribed circle (and left to themselves they cannot find any, for if the matter be not regulated there can only be just enough pairs to go round) very likely they will transgress the boundary, marry outside and import offspring that is foreign to the caste.

[17] Let us see what our imaginary group is likely to do with this *surplus man* and *surplus woman* . We will first take up the case of the *surplus woman* . She can be disposed of in two different ways so as to preserve the endogamy of the caste.

[18] First: burn her on the funeral pyre of her deceased husband and get rid of her. This, however, is rather an impracticable way of solving the problem of sex disparity. In some cases it may work, in others it may not. Consequently every *surplus woman* cannot thus be disposed of, because it is an easy solution but a hard realisation. And so the *surplus woman* (= widow), if not disposed of, remains in the group: but in her very existence lies a double danger. She may marry outside the caste and violate endogamy, or she may marry within the caste and through competition encroach upon the chances of marriage that must be reserved for the potential brides in the caste. She is therefore a menace in any case, and something must be done to her if she cannot be burned along with her deceased husband.

[19] The second remedy is to enforce widowhood on her for the rest of her life. So far as the objective results are concerned, burning is a better solution than enforcing widowhood. Burning the widow eliminates all the three evils that a *surplus woman* is fraught with. Being dead and gone she creates no problem of remarriage either inside or outside the caste. But compulsory widowhood is superior to burning because it is more practicable. Besides being comparatively humane it also guards against the evils of remarriage as does burning; but it fails to guard the morals of the group. No doubt under compulsory widowhood the woman remains, and just because she is deprived of her natural right of being a legitimate wife in

future, the incentive to immoral conduct is increased. But this is by no means an insuperable difficulty. She can be degraded to a condition in which she is no longer a source of allurement.

[20] The problem of *surplus man* (= widower) is much more important and much more difficult than that of the *surplus woman* in a group that desires to make itself into a caste. From time immemorial man as compared with woman has had the upper hand. He is a dominant figure in every group, and of the two sexes has greater prestige. With this traditional superiority of man over woman his wishes have always been consulted. Woman, on the other hand, has been an easy prey to all kinds of iniquitous injunctions: religious, social or economic. But man as a maker of injunctions is most often above them all. Such being the case, you cannot accord the same kind of treatment to a *surplus man* as you can to a *surplus woman* in a caste.

[21] The project of burning him with his decreased wife is hazardous in two ways: first of all it cannot be done, simply because he is a man. Secondly, if done, a sturdy soul is lost to the caste. There remain then only two solutions which can conveniently dispose of him. I say conveniently, because he is an asset to the group.

[22] Important as he is to the group, endogamy is still more important, and the solution must assure both these ends. Under these circumstances he may be forced or I should say induced, after the manner of the widow, to remain a widower for the rest of his life. This solution is not altogether difficult, for without any compulsion some are so disposed as to enjoy self-imposed celibacy, or even to take a further step of their own accord and renounce the world and its joys. But, given human nature as it is, this solution can hardly be expected to be realised. On the other hand, as is very likely to be the case, if the *surplus man* remains in the group as an active participator in group activities, he is a danger to the morals of the group. Looked at from a different point of view, celibacy, though easy in cases where it succeeds, is not so advantageous even then to the material prospects of the caste. If he observes genuine celibacy and renounces the world, he would not be a menace to the preservation of caste endogamy or caste morals as he undoubtedly would be if he remained a secular person. But as an ascetic celibate he is as good as burned, so far as the material well-being of his

caste is concerned. A caste, in order that it may be large enough to afford a vigorous communal life, must be maintained at a certain numerical strength. But to hope for this and to proclaim celibacy is the same as trying to cure atrophy by bleeding.

[23] Imposing celibacy on the *surplus man* in the group, therefore, fails both theoretically and practically. It is in the interest of the caste to keep him as a *grahastha* (one who raises a family), to use a Sanskrit technical term. But the problem is to provide him with a wife from within the caste. At the outset this is not possible, for the ruling ratio in a caste has to be one man to one woman and none can have two chances of marriage, for in a caste thoroughly self-enclosed there are always just enough marriageable women to go round for the marriageable men. Under these circumstances the *surplus man* can be provided with a wife only by recruiting a bride from the ranks of those not yet marriageable in order to tie him down to the group. This is certainly the best of the possible solutions in the case of the *surplus man* . By this, he is kept within the caste. By this means numerical depletion through constant outflow is guarded against, and by this endogamy and morals are preserved.

[24] It will now be seen that the four means by which numerical disparity between the two sexes is conveniently maintained are: (1) burning the widow with her deceased husband; (2) compulsory widowhood—a milder form of burning; (3) imposing celibacy on the widower and (4) wedding him to a girl not yet marriageable. Though, as I said above, burning the widow and imposing celibacy on the widower are of doubtful service to the group in its endeavor to preserve its endogamy, all of them operate as *means* . But means, as forces, when liberated or set in motion create an end. What then is the end that these means create? They create and perpetuate endogamy, while caste and endogamy, according to our analysis of the various definitions of caste, are one and the same thing. Thus the existence of these means is identical with caste, and caste involves these means.

[25] This, in my opinion, is the general mechanism of a caste in a System of Castes. Let us now turn from these high generalities to the castes in Hindu society and inquire into their mechanism. I need hardly premise that there are a great many pitfalls in the path of those who try to unfold the past, and

caste in India, to be sure, is a very ancient institution. This is especially true where there exist no authentic or written records or where the people, like the Hindus, are so constituted that to them writing history is a folly, for the world is an illusion. But institutions do live, though for a long time they may remain unrecorded and as often as not customs and morals are like fossils that tell their own history. If this is true, our task will be amply rewarded if we scrutinise the solution the Hindus arrived at to meet the problems of the *surplus man* and *surplus woman* .

[26] Complex though it be in its general working, Hindu society, even to a superficial observer, presents three singular uxorial customs, namely:

i. Sati or the burning of the widow on the funeral pyre of her deceased husband.

ii. Enforced widowhood by which a widow is not allowed to remarry.

iii. Girl marriage.

[27] In addition, one also notes a great hankering after *sanyas* (renunciation) on the part of the widower, but this may in some cases be due purely to psychic disposition.

[28] So far as I know, no scientific explanation of the origin of these customs is forthcoming even today. We have plenty of philosophy to tell us why these customs were honoured, but nothing to tell us the causes of their origin and existence. Sati has been honoured (Cf. A.K. Coomaraswamy, "Sati: A Defence of the Eastern Woman" in the *British Sociological Review* , Vol. VI, 1913) because it is a 'proof of the perfect unity of body and soul' between husband and wife and of 'devotion beyond the grave', because it embodied the ideal of wifehood, which is well expressed by Uma when she said, 'Devotion to her Lord is woman's honour, it is her eternal heaven: and O Maheshvara', she adds with a most touching human cry, 'I desire not paradise itself if thou art not satisfied with me!' Why compulsory widowhood is honoured I know not, nor have I yet met with anyone who sang in praise of it, though there are a great many who adhere to it. The eulogy in honour of girl marriage is reported by Dr Ketkar to be as follows: 'A really faithful man or woman ought not to feel affection for a woman or

a man other than the one with whom he or she is united. Such purity is compulsory not only after marriage, but even before marriage, for that is the only correct ideal of chastity. No maiden could be considered pure if she feels love for a man other than the one to whom she might be married. As she does not know to whom she is going to be married, she must not feel affection for any man at all before marriage. If she does so, it is a sin. So it is better for a girl to know whom she has to love before any sexual consciousness has been awakened in her.' Hence girl marriage.

[29] This high-flown and ingenious sophistry indicates why these institutions were honoured, but does not tell us why they were practised. My own interpretation is that they were honoured because they were practised. Any one slightly acquainted with rise of individualism in the eighteenth century will appreciate my remark. At all times, it is the movement that is most important; and the philosophies grow around it long afterwards to justify it and give it a moral support. In like manner I urge that the very fact that these customs were so highly eulogised proves that they needed eulogy for their prevalence. Regarding the question as to why they arose, I submit that they were needed to create the structure of caste, and the philosophies in honour of them were intended to popularise them, or to gild the pill, as we might say, for they must have been so abominable and shocking to the moral sense of the unsophisticated that they needed a great deal of sweetening. These customs are essentially of the nature of *means* , though they are represented as ideals. But this should not blind us from understanding the *results* that flow from them. One might safely say that idealisation of means is necessary and in this particular case was perhaps motivated to endow them with greater efficacy. Calling a means an end does no harm, except that it disguises its real character; but it does not deprive it of its real nature, that of a means. You may pass a law that all cats are dogs, just as you can call a means an end. But you can no more change the nature of means thereby, than you can turn cats into dogs; consequently I am justified in holding that, whether regarded as ends or as means, *Sati* , *enforced widowhood* and *girl marriage* are customs that were primarily intended to solve the problem of the *surplus man* and *surplus woman* in a caste and to maintain its endogamy. Strict endogamy could not be preserved without these customs, while caste without endogamy is a fake.

[30] Having explained the mechanism of the creation and preservation of caste in India, the further question as to its genesis naturally arises. The question of origin is always an annoying question and in the study of caste it is sadly neglected; some have connived at it, while others have dodged it. Some are puzzled as to whether there could be such a thing as the origin of caste, and suggest that 'if we cannot control our fondness for the word "origin", we should better use the plural form, *viz* ., "origins of caste".' As for myself I do not feel puzzled by the origin of caste in India, for, as I have established before, endogamy is the only characteristic of caste and when I say *origin of caste* I mean *the origin of the mechanism for endogamy* .

[31] The atomistic conception of individuals in a society so greatly popularised—I was about to say vulgarised—in political orations is the greatest humbug. To say that individuals make up society is trivial; society is always composed of classes. It may be an exaggeration to assert the theory of class conflict, but the existence of definite classes in a society is a fact. Their basis may differ. They may be economic or intellectual or social, but an individual in a society is always a member of a class. This is a universal fact and early Hindu society could not have been an exception to this rule, and, as a matter of fact, we know it was not. If we bear this generalisation in mind, our study of the genesis of caste would be very much facilitated, for we have only to determine what was the class that first made itself into a caste, for class and caste, so to say, are next door neighbors, and it is only a span that separates the two. *A caste is an enclosed class* .

[32] The study of the origin of caste must furnish us with an answer to the question—what is the class that raised this 'enclosure' around itself? The question may seem too inquisitorial, but it is pertinent, and an answer to this will serve us to elucidate the mystery of the growth and development of castes all over India. Unfortunately a direct answer to this question is not within my power. I can answer it only indirectly. I said just above that the customs in question were current in Hindu society. To be true to facts it is necessary to qualify the statement, as it connotes universality of their prevalence. These customs in all their strictness are obtainable only in one caste, namely the Brahmans, who occupy the highest place in the social hierarchy of Hindu society; and as their prevalence in non-Brahman castes

is derivative, their observance is neither strict nor complete. This important fact can serve as a basis of an important observation. If the prevalence of these customs in the non-Brahman castes is derivative, as can be shown very easily, then it needs no argument to prove what class is the father of the institution of caste. Why the Brahman class should have enclosed itself into a caste is a different question, which may be left as an employment for another occasion. But the strict observance of these customs and the social superiority arrogated by the priestly class in all ancient civilisations are sufficient to prove that they were the originators of this 'unnatural institution' founded and maintained through these unnatural means.

[33] I now come to the third part of my paper regarding the question of the growth and spread of the caste system all over India. The question I have to answer is: How did the institution of caste spread among the rest of the non-Brahman population of the country? The question of the spread of the castes all over India has suffered a worse fate than the question of genesis. And the main cause, as it seems to me, is that the two questions of spread and of origin are not separated. This is because of the common belief among scholars that the caste system has either been imposed upon the docile population of India by a law-giver as a divine dispensation, or that it has grown according to some law of social growth peculiar to the Indian people.

[34] I first propose to handle the law-giver of India. Every country has its law-giver, who arises as an incarnation (*avatar*) in times of emergency to set right a sinning humanity and give it the laws of justice and morality. Manu, the law-giver of India, if he did exist, was certainly an audacious person. If the story that he gave the law of caste be credited, then Manu must have been a dare-devil fellow and the humanity that accepted his dispensation must be a humanity quite different from the one we are acquainted with. It is unimaginable that the law of caste was *given* . It is hardly an exaggeration to say that Manu could not have outlived his law, for what is that class that can submit to be degraded to the status of brutes by the pen of a man, and suffer him to raise another class to the pinnacle? Unless he was a tyrant who held all the population in subjection it cannot be imagined that he could have been allowed to dispense his patronage in this grossly unjust manner, as may be easily seen by a mere glance at his 'Institutes'. I may seem hard on Manu, but I am sure my force is not strong

enough to kill his ghost. He lives like a disembodied spirit and is appealed to, and I am afraid will yet live long. One thing I want to impress upon you is that Manu did not *give* the *law* of caste and that he could not do so. Caste existed long before Manu. He was an upholder of it and therefore philosophised about it, but certainly he did not and could not ordain the present order of Hindu society. His work ended with the codification of existing caste rules and the preaching of caste *dharma* . The spread and growth of the caste system is too gigantic a task to be achieved by the power or cunning of an individual or of a class. Similar in argument is the theory that the Brahmans created the caste [system]. After what I have said regarding Manu, I need hardly say anything more, except to point out that it is incorrect in thought and malicious in intent. The Brahmans may have been guilty of many things, and I dare say they were, but the imposing of the caste system on the non-Brahman population was beyond their mettle. They may have helped the process by their glib philosophy, but they certainly could not have pushed their scheme beyond their own confines. To fashion society after one's own pattern! How glorious! How hard! One can take pleasure and eulogise its furtherance, but cannot further it very far. The vehemence of my attack may seem to be unnecessary; but I can assure you that it is not uncalled for. There is a strong belief in the mind of orthodox Hindus that Hindu society was somehow molded into the framework of the caste system and that it is an organisation consciously created by the *shastras* . Not only does this belief exist, but it is being justified on the ground that it cannot but be good, because it is ordained by the *shastras* and the *shastras* cannot be wrong. I have urged so much on the adverse side of this attitude, not because the religious sanctity is grounded on scientific basis, nor to help those reformers who are preaching against it. Preaching did not make the caste system, neither will it unmake it. My aim is to show the falsity of the attitude that has exalted religious sanction to the position of a scientific explanation.

[35] Thus the great man theory does not help us very far in solving the spread of castes in India. Western scholars, probably not much given to hero-worship, have attempted other explanations. The nuclei, round which have 'formed' the various castes in India, are, according to them: (1) occupation; (2) survival of tribal organizations etc.; (3) the rise of new belief; (4) cross-breeding and (5) migration.

[36] The question may be asked whether these nuclei do not exist in other societies and whether they are peculiar to India. If they are not peculiar to India, but are common to the world, why is it that they did not 'form' caste on other parts of this planet? Is it because those parts are holier than the land of the Vedas, or that the professors are mistaken? I am afraid that the latter is the truth.

[37] In spite of the high theoretic value claimed by the several authors for their respective theories based on one or other of the above nuclei, one regrets to say that on close examination they are nothing more than filling illustrations—what Matthew Arnold means by 'the grand name without the grand thing in it'. Such are the various theories of caste advanced by Sir Denzil Ibbetson, Mr Nesfield, Mr Senart and Sir H. Risley. To criticise them in a lump would be to say that they are a disguised form of the *petitio principii* of formal logic. To illustrate: Mr Nesfield says that 'function and function only … was the foundation upon which the whole system of castes in India was built up.' But he may rightly be reminded that he does not very much advance our thought by making the above statement, which practically amounts to saying that castes in India are functional or occupational, which is a very poor discovery! We have yet to know from Mr Nesfield why is it that an occupational group turned into an occupational caste. I would very cheerfully have undertaken the task of dwelling on the theories of other ethnologists, had it not been for the fact that Mr Nesfield's is a typical one.

[38] Without stopping to criticise those theories that explain the caste system as a natural phenomenon occurring in obedience to the law of disintegration, as explained by Herbert Spencer in his formula of evolution, or as natural as 'the structural differentiation within an organism', to employ the phraseology of orthodox apologists; or as an early attempt to test the laws of eugenics—as all belonging to the same class of fallacy which regards the caste system as inevitable, or as being consciously imposed in anticipation of these laws on a helpless and humble population, I will now lay before you my own view on the subject.

[39] We shall be well advised to recall at the outset that the Hindu society, in common with other societies, was composed of classes and the earliest

known are the (1) Brahmans, or the priestly class; (2) the Kshatriya, or the military class; (3) the Vaishya, or the merchant class and (4) the Shudra, or the artisan and menial class. Particular attention has to be paid to the fact that this was essentially a class system, in which individuals, when qualified, could change their class, and therefore classes did change their personnel. At some time in the history of the Hindus, the priestly class socially detached itself from the rest of the body of people and through a closed-door policy became a caste by itself. The other classes being subject to the law of social division of labour underwent differentiation, some into large, others into very minute groups. The Vaishya and Shudra classes were the original inchoate plasm, which formed the sources of the numerous castes of today. As the military occupation does not very easily lend itself to very minute sub-division, the Kshatriya class could have differentiated into soldiers and administrators.

[40] This sub-division of a society is quite natural. But the unnatural thing about these sub-divisions is that they have lost the open-door character of the class system and have become self-enclosed units called castes. The question is: were they compelled to close their doors and become endogamous, or did they close them of their own accord? I submit that there is a double line of answer: *Some closed the door: others found it closed against them.* The one is a psychological interpretation and the other is mechanistic, but they are complementary and both are necessary to explain the phenomena of caste-formation in its entirety.

[41] I will first take up the psychological interpretation. The question we have to answer in this connection is: why did these sub-divisions or classes, if you please, industrial, religious or otherwise, become self-enclosed or endogamous? My answer is because the Brahmans were so. Endogamy, or the closed-door system, was a fashion in Hindu society, and as it had originated from the Brahman caste it was whole-heartedly imitated by all the non-Brahman sub-divisions or classes, who, in their turn, became endogamous castes. It is ‘the infection of imitation’ that caught all these sub-divisions on their onward march of differentiation and has turned them into castes. The propensity to imitate is a deep-seated one in the human mind and need not be deemed an inadequate explanation for the formation of the various castes in India. It is so deep-seated that Walter Bagehot

argues that, ‘we must not think of … imitation as voluntary, or even conscious. On the contrary it has its seat mainly in very obscure parts of the minds, whose notions, so far from being consciously produced, are hardly felt to exist; so far from being conceived beforehand, are not even felt at the time. The main seat of the imitative part of our nature is our belief, and the causes predisposing us to believe this or disinclining us to believe that are among the obscurest part of our nature. But as to the imitative nature of credulity there can be no doubt.’ This propensity to imitate has been made the subject of a scientific study by Gabriel Tarde, who lays down three laws of imitation. One of his three laws is that imitation flows from the higher to the lower or, to quote his own words, ‘Given the opportunity, nobility will always and everywhere imitate its leaders, its kings or sovereigns, and the people likewise, given the opportunity, its nobility.’ Another of Tarde’s laws of imitation is: that the extent or intensity of imitation varies inversely in proportion to distance, or in his own words, ‘The thing that is most imitated is the most superior one of those that are nearest. In fact, the influence of the model’s example is efficacious inversely to its *distance* as well as directly to its superiority. Distance is understood here in its sociological meaning. However distant in space a stranger may be, he is close by, from this point of view, if we have numerous and daily relations with him and if we have every facility to satisfy our desire to imitate him. This law of the imitation of the nearest, of the least distant, explains the gradual and consecutive character of the spread of an example that has been set by the higher social ranks.’

[42] In order to prove my thesis—which really needs no proof—that some castes were formed by imitation, the best way, it seems to me, is to find out whether or not the vital conditions for the formation of castes by imitation exist in the Hindu society. The conditions for imitation, according to this standard authority are: (1) that the source of imitation must enjoy prestige in the group and (2) that there must be ‘numerous and daily relations’ among members of a group. That these conditions were present in India there is little reason to doubt. The Brahman is a semi-god and very nearly a demi-god. He sets up a mode and moulds the rest. His prestige is unquestionable and [he] is the fountainhead of bliss and good. Can such a being, idolised by scriptures and venerated by the priest-ridden multitude, fail to project his personality on the suppliant humanity? Why, if the story

be true, he is believed to be the very end of creation. Such a creature is worthy of more than mere imitation, but at least of imitation; and if he lives in an endogamous enclosure, should not the rest follow his example? Frail humanity! Be it embodied in a grave philosopher or a frivolous housemaid, it succumbs. It cannot be otherwise. Imitation is easy and invention is difficult.

[43] Yet, another way of demonstrating the play of imitation in the formation of castes is to understand the attitude of non-Brahman classes towards those customs which supported the structure of caste in its nascent days until, in the course of history, it became embedded in the Hindu mind and hangs there to this day without any support—for now it needs no prop but belief—like a weed on the surface of a pond. In a way, but only in a way, the status of a caste in Hindu society varies directly with the extent of the observance of the customs of Sati, enforced widowhood, and girl marriage. But observance of these customs varies directly with the *distance* (I am using the word in the Tardian sense) that separates the caste. Those castes that are nearest to the Brahmans have imitated all the three customs and insist on the strict observance thereof. Those that are less near have imitated enforced widowhood and girl marriage; others, a little further off, have only girl marriage and those furthest off have imitated only the belief in the caste principle. This imperfect imitation, I dare say, is due partly to what Tarde calls ‘distance’ and partly to the barbarous character of these customs. This phenomenon is a complete illustration of Tarde’s law and leaves no doubt that the whole process of caste-formation in India is a process of imitation of the higher by the lower. At this juncture I will turn back to support a former conclusion of mine, which might have appeared to you as too sudden or unsupported. I said that the Brahman class first raised the structure of caste by the help of those three customs in question. My reason for that conclusion was that their existence in other classes was derivative. After what I have said regarding the role of imitation in the spread of these customs among the non-Brahman castes, as means or as ideals, though the imitators have not been aware of it, they exist among them as derivatives; and, if they are derived, there must have been prevalent one original caste that was high enough to have served as a pattern for the rest. But in a theocratic society, who could be the pattern but the servant of God?

[44] This completes the story of those that were weak enough to close their doors. Let us now see how others were closed in as a result of being closed out. This I call the mechanistic process of the formation of caste. It is mechanistic because it is inevitable. That this line of approach, as well as the psychological one, to the explanation of the subject has escaped my predecessors is entirely due to the fact that they have conceived caste as a unit by itself and not as one within a System of Castes. The result of this oversight or lack of sight has been very detrimental to the proper understanding of the subject matter and therefore its correct explanation. I will proceed to offer my own explanation by making one remark which I will urge you to bear constantly in mind. It is this: that *caste in the singular number is an unreality. Castes exist only in the plural number.* There is no such thing as a caste: there are always castes. To illustrate my meaning: while making themselves into a caste, the Brahmans, by virtue of this, created a non-Brahman caste; or, to express it in my own way, while closing themselves in they closed others out. I will clear my point by taking another illustration. Take India as a whole with its various communities designated by the various creeds to which they owe allegiance, to wit, the Hindus, Muhammedans, Jews, Christians and Parsis. Now, barring the Hindus, the rest within themselves are non-caste communities. But with respect to each other they are castes. Again, if the first four enclosed themselves, the Parsis are directly closed out, but are indirectly closed in. Symbolically, if Group A wants to be endogamous, Group B has to be so by sheer force of circumstances.

[45] Now apply the same logic to Hindu society and you have another explanation of the 'fissiparous' character of caste, as a consequence of the virtue of self-duplication that is inherent in it. Any innovation that seriously antagonises the ethical, religious and social code of the caste is not likely to be tolerated by the caste, and the recalcitrant members of a caste are in danger of being thrown out of the caste, and left to their own fate without having the alternative of being admitted into or absorbed by other castes. Caste rules are inexorable and they do not wait to make nice distinctions between kinds of offence. Innovation may be of any kind, but all kinds will suffer the same penalty. A novel way of thinking will create a new caste for the old ones will not tolerate it. The noxious thinker respectfully called Guru (Prophet) suffers the same fate as the sinners in illegitimate love. The

former creates a caste of the nature of a religious sect and the latter a type of mixed caste. Castes have no mercy for a sinner who has the courage to violate the code. The penalty is excommunication and the result is a new caste. It is not peculiar Hindu psychology that induces the excommunicated to form themselves into a caste; far from it. On the contrary, very often they have been quite willing to be humble members of some caste (higher by preference) if they could be admitted within its fold. But castes are enclosed units and it is their conspiracy with clear conscience that compels the excommunicated to make themselves into a caste. The logic of this obdurate circumstance is merciless, and it is in obedience to its force that some unfortunate groups find themselves enclosed, because others in enclosing themselves have closed them out, with the result that new groups (formed on any basis obnoxious to the caste rules) by a mechanical law are constantly being converted into castes to a bewildering multiplicity. Thus is told the second tale in the process of caste formation in India.

[46] Now to summarise the main points of my thesis. In my opinion there have been several mistakes committed by students of caste, which have misled them in their investigations. European students of caste have unduly emphasised the role of colour in the caste system. Themselves impregnated by colour prejudices, they very readily imagined it to be the chief factor in the caste problem. But nothing can be farther from the truth, and Dr Ketkar is correct when he insists that ‘All the princes whether they belonged to the so-called Aryan race, or the so-called Dravidian race, were Aryas. Whether a tribe or a family was racially Aryan or Dravidian was a question which never troubled the people of India, until foreign scholars came in and began to draw the line. The colour of the skin had long ceased to be a matter of importance.’ Again, they have mistaken mere descriptions for explanation and fought over them as though they were theories of origin. There are occupational, religious etc. castes, it is true, but it is by no means an explanation of the origin of caste. We have yet to find out why occupational groups are castes; but this question has never been raised. Lastly they have taken caste very lightly as though a breath had made it. On the contrary, caste, as I have explained it, is almost impossible to be sustained: for the difficulties that it involves are tremendous. It is true that caste rests on belief, but before belief comes to be the foundation of an institution, the institution itself needs to be perpetuated and fortified. My study of the caste

problem involves four main points: (1) that in spite of the composite make-up of the Hindu population, there is a deep cultural unity; (2) that caste is a parcelling into bits of a larger cultural unit; (3) that there was one caste to start with and (4) that classes have become castes through imitation and excommunication.

[47] Peculiar interest attaches to the problem of caste in India today, as persistent attempts are being made to do away with this unnatural institution. Such attempts at reform, however, have aroused a great deal of controversy regarding its origin, as to whether it is due to the conscious command of a Supreme Authority, or is an unconscious growth in the life of a human society under peculiar circumstances. Those who hold the latter view will, I hope, find some food for thought in the standpoint adopted in this paper. Apart from its practical importance the subject of caste is an all-absorbing problem and the interest aroused in me regarding its theoretic foundations has moved me to put before you some of the conclusions, which seem to me well-founded, and the grounds upon which they may be supported. I am not, however, so presumptuous as to think them in any way final, or anything more than a contribution to a discussion of the subject. It seems to me that the car has been shunted on wrong lines, and the primary object of the paper is to indicate what I regard to be the right path of investigation, with a view to arrive at a serviceable truth. We must, however, guard against approaching the subject with a bias. Sentiment must be outlawed from the domain of science and things should be judged from an objective standpoint. For myself I shall find as much pleasure in a positive destruction of my own ideology, as in a rational disagreement on a topic, which, notwithstanding many learned disquisitions is likely to remain controversial forever. To conclude, while I am ambitious to advance a Theory of Caste, if it can be shown to be untenable I shall be equally willing to give it up.

The Rise and Fall of the Hindu Woman Who was Responsible for it?

IN THE JOURNAL of the *Maha Bodhi*

for March 1950 there appeared an article on "The position of Women in Hinduism and Buddhism" by Lama Govinda.

His article was a rejoinder to an article which had appeared in *Eve's Weekly* of 21 January 1950, and in which the Buddha was charged as being the man whose teachings were mainly responsible for the downfall of women in India. Lama Govinda did his duty as every Buddhist must in coming forward to refute the charge. But the matter cannot be allowed to rest there. This is not the first time such a charge is made against the Buddha. It is often made by interested parties who cannot bear his greatness and comes from quarters weightier in authority than the writer in *Eve's Weekly* can claim. It is therefore necessary to go to the root of the matter and examine the very foundation of this oft-repeated charge. The charge is so grave and so vile that the readers of the *Maha Bodhi* will, I am sure, welcome a further examination of it.

Such a charge against the Buddha can be supported on two grounds only:

The first possible ground may be the reply which the Buddha is reported (in Chapter V of *Mahaparinibbana Sutta*)

to have given to a question put to him by Ananda.

It reads as follows:

9. How are we to conduct ourselves, (asked Ananda)
With regard to womankind?\

As not seeing them, Ananda.
But if we should see them,
What are we to do?
But if they should speak to us,

Lord, what are we to do?
Keep wide awake, Ananda.

There is no denying that the passage in question

is to be found in the text of the *Mahaparinibbana Sutta* as published by the Oxford University Press. The point however is not whether the passage exists or not. The point is that if any argument is to be built upon this passage, is it not necessary to prove that the text is original and genuine and not a later interpolation by the Bhikkhus?

Anyone who knows the central teachings of the Buddha is quite bewildered after reading the *Sutta Pitaka*

as we find it now wrapped about by the mythical drapery, disfigured by additions of purely Brahmanic ideas entirely foreign to the Buddhist thought and distorted by the twists and turns given to it by monastic ideas intended to enforce monastic ideals. So much so that one is inclined to join in wonder with Rhys Davids

and ask:

> Where in these pages of [the Sutta Pitaka] is Gotama? How much of them, how little, is a blend of (it may be) original sayings clearly or confusedly reproduced, of fillings by ages of successive narrators, of memory-schemes drawn up by teachers, not teachers of the multitude but of orally learning pupils, of efforts, often clumsy, by editors to set down in writing much that had long been more fluently told? And all of them, narrators, teachers, editors, were men whose choice of ideals of life differed from that of the rest of the world, differed the more in proportion as they were sincerely not of the world as well as not in it. Through this distorting medium he has to read, and ask himself which sayings, put into the mouth of a certain accredited teacher and ‘way-

shower' of truth, are *likely* to have come from such a man as he is recorded to have been?

There is therefore nothing very extravagant in the suggestion that this passage is a later interpolation by the Bhikkhus. In the first place the *Sutta Pitaka* was not reduced to writing till 400 years had passed after the death of the Buddha. Secondly, the Editors who compiled and edited them were Monks and the Monk Editors compiled and wrote for the Monk. The statement attributed to the Buddha is valuable for a Monk to preserve his rule of celibacy and it is not unlikely for the Monk Editor to interpolate such a rule.

There are two other considerations which go to support the suggestion that this passage is a later interpolation.

(1) Firstly from the Table given in the introduction to this Sutta (to be found on page 72 of the *Digha Nikaya* , Part II, in the S.B.B.

Series by Davids) it will be noticed that great many of the passages which occur in this Sutta also occur in other Suttas. It is important to note that this passage does not occur in any other Sutta notwithstanding the fact that they contain so many other passages from this Sutta.

(2) Secondly from page xxxviii of the introduction to this Sutta (published in Vol. XI of the S.B.B. Davids) it appears that there exists a Chinese version of this Sutta. But this Chinese text also does not contain this particular passage.

Let us go further and apply the test of probability. Was there any reason why Ananda should have asked such a question? Was it in keeping with the known relationship of Buddha with women? There is evidence to show that such a question could not have been asked by Ananda and that even if such a question had been asked, the Buddha could not have given such a reply. The conduct of Ananda and of the Buddha towards women as reported in the Pitakas is so contrary to the possibility of such a question being raised and such an answer being given.

On the point as to whether there was any necessity for Ananda to ask such a question it is relevant to note that in the same chapter of the *Mahaparinibbana Sutta* only a few *gathas*

removed from those quoted above, the Buddha describes how sweet was Ananda and how he was loved by all. Out of them I quote below the two following *gathas* :

> 16. Brethren, there are these four wonderful and marvelous qualities in Ananda. [Which are the four?]
>
> If, brethren, a number of the brethren of the Order should come to visit Ananda, they are filed with joy of beholding him; and if Ananda should then preach the truth to them, they are filled with joy at the discourse; while the company of brethren is at ease, brethren, when Ananda is silent.
>
> If, brethren, a number of the sisters of the Order, or of devout men, or of devout women, should behold him;
>
> and if Ananda should then preach the truth to them, they are filled with joy at the discourse; while the company of sisters is ill at ease, brethren, when Ananda is silent.

From this it is clear that it was usual for Ananda to meet women, not only sisters but devout women who were not members of the Order. He used to see them, meet them and talk to them. Why then should Ananda have asked such a question? The Buddha knew that the women used to meet Ananda. He raised no objection before. Why should he have thought of interdicting and forbidding all contact with women? The whole passage is so unnatural that is must be regarded as a later monastic interpolation.

There is another instance in the life of Ananda which stands in stark contrast with the passage in the *Mahaparinibbana Sutta* . As is well known, in the first Sangiti (Council) five complaints were made against Ananda. They were:

(1) that he failed to ask which part of the Vinaya were in the opinion of the Buddha the lesser parts for which he gave authority to the Sangha to alter and amend;

(2) that he stepped on the Robe of the Lord during retreat when sewing it;

(3) that he caused the body of the departed Lord to be saluted first by women so that it was soiled by their tears;

(4) that he did not ask the Lord to live for a cycle, and

(5) that he was principally instrumental in getting women admitted to the Sangha.

To all these charges Ananda pleaded guilty. Whether he should have pleaded guilty or not is another matter. What is of interest is the third charge. For it has great relevance to the issue in question. Why did Ananda allow women to touch the body of the Master if the advice given by him as mentioned in the *Mahaparinibbana Sutta* is true as a fact? Would he so flagrantly and knowingly disobey the advice given by the Buddha a few minutes before? The answer must be in the negative. What follows from this negative answer? What follows is that the Buddha had not given such an advice as is alleged against him. For if he had given such an advice Ananda could not have acted contrary to it. It therefore stands to reason that no such advice had been given by the Buddha.

Let us now consider the question from the side of the Buddha. Would it have been natural for the Buddha to give such a reply? The answer to this question must depend upon Buddha's course of conduct towards women. Did the Buddha avoid meeting women as is suggested by the advice he is reported to have given to Ananda? What are the facts?

Two examples at once come to mind. One is that of Visakha. She was one of the eighty chief disciples of the Buddha with the title of 'Chief of Alms-givers'. Did not Visakha at one time go to hear Buddha preach? Did she not enter his monastery? Did the Buddha act towards Visakha in the manner he directed Ananda to act towards women? What did the Bhikkhus present at the meeting do? Did they leave the meeting?

The second instance that comes to one's mind is that of Amrapali of Vaisali. She went to see the Buddha and gave him and his monks an invitation for a meal at her house. She was a courtesan. She was the most beautiful woman in Vaisali. Did the Buddha and the Bhikkhus avoid her? On the other hand they accepted her invitation—rejecting the invitation of the Licchavis who felt quite insulted on that account—and went to her home and partook of her food.

Other examples are not wanting. The *Nandakovada Sutta*

tells of Mahaprajapati Gotami having brought five hundred almswomen with her to the Buddha when he was staying at Sravasti with a request that he should instruct them in the Doctrine and Discipline. Did the Buddha run away from them?

The *Samyutta Nikaya*

reports that Kokanada, daughter of Pajjuna, when the night was far spent, shedding radiance with her effulgent beauty over the whole Mahavana, came into the presence of the Buddha when he was staying at Vaisali.

The reports of frequent visits of Queen Mallika, wife of King Prasenajit, to the Buddha for religious instructions are scattered in the Pitakas.

From these instances it is clear that the Buddha did not shun women and women were not afraid of going to the Buddha.

It is true that the Buddha did advise

the Bhikkhus not to make it a habit to visit families of lay disciples for fear of human weakness yielding to frequent contracts with women. But he did not forbid such visits nor did he express any disdain about women as such.

It is also true that the Buddha was dreadfully keen on maintaining celibacy. He was painfully aware of the fact that, to use his own words,

'women doth stain life of celibacy.' But what did he advise? Did he advise the Bhikkhus to shun all contact with women? Not at all. He never put any

such interdict. Far from doing any such thing what he did was to tell the Bhikkhus that whenever they met any women, ‘do ye call up the mother-mind, the sister-mind, or the daughter-mind’

as the case may be, i.e. regard a woman as you would your own mother, sister or daughter.

The second possible ground which an opponent of the Buddha can rely upon in support of the accusation is the opposition of the Buddha to women joining the Sangha and in making the Bhikkhuni Sangha (when he ultimately allowed it) subordinate to the Bhikkhu Sangha. Here again a further analysis of the situation is necessary. Why did the Buddha oppose the demand of Mahaprajapati to take *parivraja* (ordination)? Did he oppose it because he was of opinion that women were a low class whose admission would lower the status of the Sangha in public esteem? Or did he oppose it because he was of opinion that women intellectually and morally were incapable of realising the ideal of his Doctrine and his Discipline? The second of these two questions was definitely put to the Buddha by Ananda in the course of the argument when he found the Buddha somewhat adamant. The Buddha gave an unequivocal answer leaving no room for doubt or dispute. He said that women were fully capable of realising his Doctrine and his Discipline and that was not the reason why he refused their demand for taking *parivraja* . It is clear from this that the Buddha did not regard woman as inferior to man either in point of intellect or character. That he opposed the admission of women because he held them in low esteem and feared that they might lower the prestige of the Sangha is an argument which is hardly worth mentioning. For if that was his feeling he would never have admitted them at all.

To the argument that he made the Bhikkhuni Sangha subordinate to the Bhikkhu Sangha, the answer is there was no consideration as to superiority or inferiority; what lay behind this arrangement were considerations of purely practical character. In admitting women to be Parivrajikas (nuns) the Buddha had to face two questions. Should there be only one Sangha for men and women? He decided to have two separate Sanghas. He was afraid that in a confraternity of men and women Parivrajikas the rule of celibacy would be completely lost. While therefore admitting women, he thought, it

was necessary—to use his own words—to create a dyke between them by creating two separate organisations. Having decided to create two separate organisations he was faced with another question. If there are to be two separate Sanghas—one for men and one for women—were they to be quite independent and separate organisations or was there to be some sort of inter-relation between the two?

On the first issue no other decision was possible except that the women's Sangha should be separate from the men's Sangha. This was an inevitable consequence which followed from the rule of celibacy which was binding on both. The Buddha knew what a great force the sex instinct is with man as well as woman. To use the Buddha's own words it is this instinct which drives a man in woman's bondage and a woman in man's bondage. This force, if given an opportunity to have its full force, the rule of celibacy could not last for a minute. To save the rule of celibacy he had to organise two separate Sanghas.

To take up the second issue: was any decision possible other than the one the Buddha took? The women who joined his faith were raw women. They had to be instructed in His Doctrine and they had to be trained in His rules of Discipline. Who could undertake this task? To whom else could He have entrusted this work? To none except the male Bhikkhus of his Order. For they were already instructed in His Doctrine and trained in His Discipline. And this is what He did. Now what was the relationship that was forged between the Bhikkhus and Bhikkhunis by entrusting the work of instruction of the latter to the former? This is a necessary question to raise. Without it the explanation of the subordination of the Bhikkuni Sangha to the Bhikkhu Sangha does not become quite clear. The obvious answer to this question is that by entrusting the work of training the Bhikkhunis to the Bhikkhus, their relationship became one of teacher and pupil. Now does not the relationship of teacher and pupil involve some authority for the teacher over the pupil and some submission or subordination on the part of the pupil to the teacher? What more did the Buddha do?

In this connection it is useful to compare the relationship between monasteries and nunneries in the Christian Church. Are not the nunneries subordinate to the monasteries? Of course they are.

Can anybody therefore say that Christianity treats woman as inferior to men? Why then should a different interpretation be put upon the arrangement made by the Buddha for regulating the relations between the Bhikkhus and Bhikkhunis?

So far as the *Sutta Pitaka* is concerned there is absolutely no ground for the charge that the Buddha had a prejudice against women and was forever exhorting men to beware of them.

II

Let us pass from particular instances to the general attitude of the Buddha towards women in general. Did the Buddha hold women in low esteem? I am sure that whoever read references to women by the Buddha which occur in the sacred literature of the Buddhists will be convinced that far from doing anything which would have the effect of degrading the woman, the Buddha all along tried to ennoble the woman and to elevate her. Let me give a few illustrations in support of this view.

The birth of a daughter has been from ancient past regarded as a calamity by the people of India generally. Did the Buddha share this sentiment? His attitude towards this question was quite the contrary to the traditional view as is illustrated by his advice to King Prasenajit. Once King Prasenajit was visiting the Buddha at Sravasti in Jeta's garden. A messenger from the Royal Palace came and informed him that his wife Queen Mallika had given birth to a daughter. On hearing this news the king went off his colour and looked sad and dejected. The Buddha noticed this change on his face and asked him for the cause of it. On being informed of it the Buddha said: 'Why be sorry? A woman child, O Lord of men, may prove even a better offspring than a male. For she may grow up wise and virtuous… The boy that she may bear may do great deeds and rule great realms…'

In answer to a question as to why some families rise and others decay, the Buddha is reported to have told the Bhikkhus that

> Whatsoever families, monks, having attained greatness of possessions, fail to last long, because they seek not for what is lost, they repair not the decayed, they eat and drink to excess, they put in authority a

> woman or a man that is immoral. Whatsoever families… fail to last long, all of them do so because of these four reasons or one or other of them.
>
> Whatsoever families, monks, do last long, all of them do so because they seek for what is lost, repair the decayed, eat and drink in moderation, and put in authority a virtuous woman or man. Whatsoever families... do last long, all of them do so because of these four reasons or one or other of them.

In describing to the Bhikkhus what happens when a Monarch 'who rolls the wheel', i.e. who is destined to be a *Chakravarti* (world monarch) appears in the world, the Buddha is reported to have told the monks that, 'Whenever such a monarch appears there is the appearance of the Seven Treasures: the treasure of the Wheel, the Elephant, the Horse, the Jewel, the Woman, the House-father, and the treasure of the Heir Apparent.'

On another occasion the Buddha, speaking of the value of a woman to the world, said: 'Woman is the commodity Supreme because (as the commentator adds) she is of indispensable utility, or because through her Bodhisattvas and world rulers take birth.'

How can a person in whose view the birth of a daughter was not an occasion for sorrow and might well be an occasion of joy, who held the view that those families are saved from a downfall which place a woman in authority over their affairs, who had no hesitation in describing woman as one of the Seven Treasures and a thing of supreme value, be described as a hater or despiser of woman? These statements are typical of the general sentiments entertained by Buddha towards womankind. Can anybody say that they are calculated to bring the woman into ridicule and contempt?

III

Those who see a social wrong in the Buddha placing the Bhikkhunis under the authority of the Bhikkhus do not realise what a revolutionary act it was on the part of the Buddha to have allowed women to take *sanyas* or *parivraja* (monkhood). Under the Brahmanic theory woman had already been denied the right to acquire knowledge. When the question of *sanyas*

came they did to the Indian woman another wrong. As a matter of history *sanyas* was not an ideal of the Brahmans who worshipped the Vedas and who, for a long time, refused to recognise the Upanishads as sacred literature. *Sanyas* was to realise the Upanishadic doctrine that the Atman is Brahma. The Brahmans were dead opposed to the life of *sanyas* . Ultimately they yielded but subject to certain conditions. One of the conditions was that women (and Shudras) were not to be eligible for *sanyas* .

It is important to understand the reason why the Brahmans debarred woman from taking *sanyas* because it helps to understand the attitude of the Brahmans towards woman which was in sharp contrast with that of the Buddha. The reason is stated by Manu. It reads as follows:

> IX. 18. Woman have no right to study the Vedas. That is why their Sanskars (rites) are performed without Veda Mantras. Women have no knowledge of religion because they have no right to know the Vedas. The uttering of the Veda mantras is useful for removing sin. As woman cannot utter the Veda mantras they are as untruth is.

Although Manu was later than the Buddha, he has enunciated the old view propounded in the older Dharma Sutras. This view of the woman was both an insult and an injury to the woman of India. It was an injury because without any justification she was denied the right to acquire knowledge which is the birthright of every human being. It was an insult because after denying her opportunity to acquire knowledge she was declared to be as unclean as untruth for want of knowledge and therefore not to be allowed to take *sanyas* which was regarded as a path to reach Brahma. Not only was she denied the right to realise her spiritual potentiality she was declared to be barren of any spiritual potentiality by the Brahmans.

This is a cruel deal with woman. It has no parallel. As Prof Max Muller has said, ‘However far the human may be from the Divine, nothing on earth is nearer to God than man, nothing on earth more godlike than man.’

If this is true of man why is this not true of woman? The Brahmans had no answer.

By admitting women to the life of Parivrajika, the Buddha, at one stroke, removed both these wrongs. He gave them the right to knowledge and the right to realise their spiritual potentialities along with man. It was both a revolution and liberation of women in India. To quote the words of Prof. Max Muller:

> The history of India teaches us that the galling fetters of the old Brahmanic law were broken at last, for there can be little doubt that we have to recognise in Buddhism an assertion of the rights of individual liberty, and more particularly, of the right of rising above the trammels of society, of going, as it were into the forest, and of living a life of perfect spiritual freedom, whenever a desire for such freedom arose.

This freedom which the Buddha gave to the women of India is in fact of far greater importance and out-weighs whatever stigma which is said to be involved in the subordination of the Bhikkhunis to the Bhikkhu's Sangha. This was not an empty freedom. It was freedom which they keenly enjoyed and sang about. 'O free indeed! O gloriously free am I…' sang Mutta

—a Bhikkhuni who was a Brahman girl. Mettika, another Bhikkhuni, also a Brahman girl, sang: '…so sit I here upon a rock. And over my spirit sweeps the breath of liberty.'

As Mrs Rhys Davids says,

> To gain this freedom mobility…they, like their later Christian sisters, had laid down all social position, all domestic success; they had lost their world. But in exchange they had won the status of an individual in place of being adjuncts, however much admired, fostered, and sheltered they might, as such, have been. 'With shaven head, wrapt in their robe'—a dress indistinguishable, it would seem, from the swathed under-garments of the male *religieux* —the Sister was free to come and go, to dive along into the depths of the wood, or climb aloft.

In allowing women to become Bhikkhunis the Buddha not only opened for them the way to liberty, he also allowed them to acquire dignity independent of sex. To her freedom she could, in the words of Mrs Rhys Davids,

> wed the other austere joy of being recognised, at least by her brother 'Arahants', as a rational being, without reference to sex. As such she breathed the spiritual atmosphere, she shared the intellectual communion of that religious aristocracy called in the Pitakas, Ariyas,
>
> with whom she claimed that power of 'seeing all things as they really are', [i.e., have come to be, sabban yathabhutan disva] which the Buddhist called being Awake [buddho].

'How should the woman's nature hinder Us—us Ariyas,' says Soma, a Bhikkhuni:

> What can that signify to one in whom
> Insight doth truly comprehend the Norm?
> To one for whom the question doth arise:
> Am I a woman in such matters, or
> Am I a man? Or what not am I, then?—
> To such an one is Mara fit to talk!

This is not all. The Buddha in allowing women to become Bhikkhunis; he opened them the way to equality with man. As observed by Mrs Rhys Davids:

> It is true that the Bhikkhunis were, technically, appointed juniors in perpetuity to the Bhikkhus. It is equally clear that, by intellectual and more eminence, a Theri might claim equality with the highest of the fraternity. In the Psalms an instance occurs, in xxxvii, where Bhadda associates herself in spiritual attainment with the great Kassap, successor, as head of the Order, to the Founder himself. ... In this connection it should be noted that the Buddha did not place any premium on virginity as such. He kept his Way open to all classes of women, married, unmarried, widows and even to prostitutes. All could acquire merit, freedom, dignity and equality along with man.

IV

There can be no doubt that there has been an utter downfall in position of women in India from what it once was. One cannot say much about the part

they played in ancient time in statecraft. But there is no doubt that they did occupy a very high position in the intellectual and social life of the country.

That at one time a woman was entitled to *upanayan*

is clear from the Atharva Veda

where a girl is spoken of as being eligible for marriage having finished her Brahmacharya. From the Shrauta Sutras

it is clear that women could repeat the Mantras of the Vedas, and that women were taught to read the Vedas. Panini's *Ashtadhyayi*

bears testimony to the fact that women attended *Gurukul* (college) and studied the various *Shakhas* (sections) of the Veda and became expert in Mimansa.

Patanjali's *Maha Bhashya*

shows that women were teachers and taught Vedas to girl students. The stories of women entering into public discussion with men on most abstruse subjects of religion, philosophy and metaphysics are by no means few. The story of public disputation between Janaka and Sulabha,

between Yajnavalkya and Gargi, between Yajnavalkya and Maitreyi

and between Sankaracharya and Vidyadhari shows that Indian women in pre-Manu's time could rise to the highest pinnacle of learning and education.

That at one time women were highly respected cannot be disputed. Among the Ratnis

who played so prominent a part in the coronation of the king in Ancient India was the queen and the king made her an offering

as he did to the others. Not only the king-elect did homage to the queen, he worshipped his other wives of lower castes.

In the same way the king offers salutation after the coronation ceremony to the ladies of the chiefs of the Srenis (guilds).

This is a very high position for women in any part of the world. Who was responsible for their fall? It was Manu, the law-giver of the Hindus. There can be no other answer. To leave no room for doubt, let me quote some of the laws made by Manu regarding women and that are to be found in the *Manusmriti* .

> II. 213. It is the nature of women to seduce man in this (world). For that reason the wise are never unguarded in (the company of) females.
>
> II. 214. For women are able to lead astray in (this) world not only a fool, but even a learned man, and (to make) him a slave of desire and anger.
>
> II. 215. One should not sit in a lonely place with one's mother, sister or daughter; for the senses are powerful, and master even a learned man.
>
> IX. 14. Women do not care for beauty, nor is their attention fixed on age; (thinking), '(It is enough that) he is a man', they give themselves to the handsome and to the ugly.
>
> IX.15. Through their passion for men, through their mutable temper, through their natural heartlessness, they become disloyal towards their husbands, however carefully they may be guarded in this (world).
>
> IX.16. Knowing their disposition, which the Lord of creatures laid in them at the creation to be such, (every) man should most strenuously exert himself to guard them.
>
> IX.17. (When creating them) Manu allotted to women (a love of their) seat and (of) ornament, impure desires, wrath, dishonesty, malice, and bad conduct.

This shows how low was woman in the opinion of Manu. The laws of Manu against women are of a piece with this view. Women are not to be free under any circumstances. In the opinion of Manu:

IX. 2. Day and night women must be kept in dependence by the males (of) their (families), and if they attach themselves to sensual enjoyments, they must be kept under one's control.

IX. 3. Her father protects (her) in childhood, her husband protects (her) in youth, and her sons protect (her) in old age; a woman is never for independence.

IX. 5. Women must particularly be guarded against evil inclinations, however trifling (they may appear); if they are not guarded, they will bring sorrow on two families.

IX. 6. Considering that the highest duty of all castes, even weak husbands (must) strive to guard their wives.

V. 147. By a girl, by a young woman, or even by an aged one, nothing must be done independently, even in her own house.

V. 148. In childhood a female must be subject to her father, in youth to her husband, when her lord is dead to her sons, a woman must never be independent.

V. 149. She must not seek to separate herself from her father, husband, or sons; by leaving them she would make both (her own and her husband's) families contemptible.

Woman is not to have a right to divorce.

IX. 45. The husband is declared to be one with the wife, which means that there could be no separation once a woman is married.

Many Hindus stop here as though this is the whole story regarding Manu's law of divorce and keep on idolising it by comforting their conscience with the thought that Manu regarded marriage as a sacrament and therefore did not allow divorce. This of course is far from the truth. His law against divorce had a very different motive. It was not to tie up a man to a woman but it was to tie up the woman to a man to leave the man free.

For Manu does not prevent a man from giving up his wife. Indeed he not only allows him to abandon his wife but he also permits him to sell her. But what he does is to prevent the wife from becoming free. See what Manu says:

> IX. 46. Neither by sale nor by repudiation is a wife released from her husband.

The meaning is that a wife, sold or repudiated by her husband, can never become the legitimate wife of another who may have bought or received her after she was repudiated. If this is not monstrous nothing can be. But Manu was not worried by considerations of justice or injustice in framing his law. He wanted to deprive women of the freedom they had under the Buddhistic regime. Manu was outraged by her licence and in putting a stop to it he deprived her of her liberty.

A wife was reduced by Manu to a level of a slave in the matter of property.

> IX. 416. A wife, a son, and a slave, these three are declared to have no property; the wealth which they earn is (acquired) for him to whom they belong.

When she becomes a widow Manu allows her maintenance, if her husband was joint, and a widow's estate in the property of her husband, if he was separate from his family. But Manu never allows her to have any domination over property.

A woman under the laws of Manu is subject to corporal punishment and Manu allows the husband the right to beat his wife.

> VIII. 299. A wife, a son, a slave, a pupil, and a younger brother of the full blood, who have committed faults, may be beaten with a rope or a split bamboo.

Under Manu a woman had no right to knowledge. The study of the Veda was forbidden to her by Manu.

> II. 66. Even for a woman the performance of the *Sanskaras* are necessary and they should be performed. But they should be performed without uttering the Veda mantras.

Offering sacrifices according to Brahmanism formed the very soul of religion. Manu forbids women from performing sacrifices. Manu ordains that:

> XI. 36–37. A woman shall not perform the daily sacrifices prescribed by the Vedas. If she does it, she will go to hell.

To disable her from performing such sacrifices Manu prevents her from getting the aid and services of a Brahman priest.

> IV. 205–6. A Brahman must never eat food given at a sacrifice performed by a woman. Sacrifices performed by women are inauspicious and not acceptable to God. They should therefore be avoided.

Finally, a word regarding the ideal of life, Manu has sought to place before a woman. It had better be stated in his own words:

> V. 151. Him to whom her father may give her, or her brother with the father's permission, she shall obey as long as he lives and when he is dead, she must not insult his memory.
>
> V. 154. Though destitute of virtue, or seeking pleasure elsewhere, or devoid of good qualities, yet a husband must be constantly worshipped as a God by a faithful wife.
>
> V. 155. No sacrifice, no vow, no fast must be performed by women, apart from their husbands; if a wife obeys her husband she will for that reason alone be exalted in heaven.

Then comes the choicest texts which form the pith and the marrow of this ideal which Manu prescribes for women:

> V. 153. The husband who wedded her with sacred mantras, is always a source of happiness to his wife, both in season and out of season, in this world and in the next.
>
> V. 150. She must always be cheerful, clever in the management of her household affairs, careful in cleaning her utensils, and economical in expenditure.

This the Hindus regard as a very lofty ideal for a woman!

As though to put a coping stone on his edifice of disabilities of women Manu declared a new rule that killing a woman was only an *Upapataka* i.e. it was a minor offence.

> XI. 67. Liquor, slaying women, Shudras, Vaishyas, or Kshatriyas, and atheists (are all) minor offences.

One can quite understand why Manu should have said that the killing of a Shudra, Vaishya or a Kshatriya was only an *Upapataka* . He was trying to establish that the Brahman was superior to all these and only the killing of a Brahman was a *Mahapataka* . But why did he apply the same rule to women? Only because a woman, in the eyes of Manu, was a thing of no value.

In the face of these quotations can anybody doubt that it was Manu who was responsible for the degradation of women in India? Most people are perhaps aware of this. But they do not seem to know two things. They do not know what is peculiar in Manu. There is nothing new or startling in the laws of Manu about woman. They are the views of the Brahmans ever since Brahmanism was born in India. Before Manu, they existed only as a matter of social theory. What Manu did was to convert what was a social theory into the law of the state. The second thing they do not know is the reason which led Manu to impose these disabilities upon women: Shudras and women were the two chief sections of Aryan society which were flocking to join the religion of the Buddha and thereby undermining the foundation of the Brahmanic Religion. Manu wanted to stem the tide of women flowing in the direction of Buddhism.

It is for this that Manu imposed these disabilities upon women and crippled them permanently. Those who doubt this might well consider the following injunctions contained in the *Manusmriti* :

> V. 88. Funeral rites and obsequies which are performed on the death of a person shall be withdrawn (i.e. shall not be performed) from those who are born out of intermixture, from those who are addicted to asceticism and from those who have ended their lives by committing suicide.
>
> V. 89. They shall also be withdrawn from women who have joined a heretic sect, who behave too freely, who have injured a child in their womb, or [have killed] their husband, and those who drink wine.

This injunctions is among others aimed at (1) those who are addicted to asceticism and (2) women who have joined a heretic sect. In this injunction asceticism refers to Parivrajikas i.e. those who have abandoned their homes and taken to *sanyas* and, in referring to a heretic sect, there is no doubt that Manu has in mind the Buddhist religion. It is therefore clear that when Manu declares that no funeral rites and obsequies shall be performed for an ascetic, a woman who has joined a heretic sect, what Manu does is to prohibit the performance of funeral rites and obsequies of a member of a family—whether male or female—who has joined the Buddha's religion. In other words, he wants them to be treated as though they were disaffiliated and no longer belonged to the family. Manu was the greatest opponent of the Buddhist religion. This is the secret of the many inequities which he heaped upon women. For they knew that if the home is to be protected against the invasion of Buddhism, it is the woman who must be put under restraint. And he did it. All responsibility for the decline and fall of woman in India must be fastened upon Manu and not upon the Buddha.

In the compass of a few pages I have endeavoured to offer an explanation as to who was the author of their fall and why he brought it about. I hope that the unprejudiced and the impartial will realise that it was not the Buddha who can be held responsible for the tragedy. If anything the Buddha endeavoured to ennoble the woman, to raise her to the level of man.

Section 2The ‘madness of Manu’ Unpacking the Riddle of graded Violence against women

THIS SECTION LOOKS at selections from “Riddles in Hinduism”, Ambedkar’s unpublished radical text, which when published in 1987 by the Government of Maharashtra triggered riots, protests, a withdrawal and a re-issue. The perceived primary offender in Ambedkar’s text was its appendix entitled “The Riddle of Rama and Krishna”, which now circulates widely as a booklet within Ambedkarite counterpublics. Referring to the contents of the unpublished texts, the committee appointed by the Government of Maharashtra to edit the volumes of Ambedkar’s speeches and writings notes that although Ambedkar had proposed twenty-four riddles, one chapter unlisted in the contents entitled “The Riddle of Rama and Krishna” was discovered at a later date.

Subsequently included as an appendix to “Riddles in Hinduism”, it sparked controversy and was burnt publicly in 1988 at a Maratha Mahamandal meeting held in Amravati. The state government withdrew the book when the Shiv Sena rioted in Bombay for the chapter’s removal. This was followed by thousands of Dalits staging protest marches across Maharashtra which led to the chapter’s re-instatement.

A footnote on the first page of the *BAWS* edition of “The Riddle of Rama and Krishna” even clarified that the government did not ‘concur with views expressed in this chapter’. In a move to ensure circulation, Ambedkarite publishing houses like Sugawa Prakashan in Pune quickly published Marathi translations of the “The Riddle of Rama and Krishna” that included selective commentaries. The “Riddles”, as it came to be known, sparked off debates in Marathi newspapers and political journals. For instance, in the pages of the journal *Satyashodhak Marxvadi* (The Truthseeking Marxist), Sharad Patil argued for the debate to transcend *bhakti* towards Rama,

Krishna and Ambedkar and to move towards a historical analysis of Rama and Krishna.

Before turning to the riddles, let us first explore three riddles pertaining to what Ambedkar terms the "madness of Manu". These riddles contain Ambedkar's explanation for why violence against women in a Brahmanical patriarchal society is graded in nature.

When it comes to academic caste debates, it is common to find *Homo Hierarchicus* (first published 1966; English translation 1970) as the central treatise, and much of the last forty years of sociological and anthropological caste discourse has been a dialogue or debate with its author, Louis Dumont.

Specifically, the terms 'homo aequalis' and 'homo hierarchicus'

draw attention to Dumont's antithetical notions of the 'West' and 'India'—the former based on individualism and equality and the latter on caste hierarchy.

Anthropologist R.S. Khare, in a overview and evaluation of Dumont's works, draws attention to the missing element in Dumont's schema: 'homo justus', or Dalits in India struggling for social justice. This is particularly surprising since Dumont arrived in the late 1940s to India, the decade in which Ambedkar's anticaste struggle was at its peak. Dumont's silence on social justice issues contrasts with Ambedkar's understanding of caste as graded inequality. Since caste, as Ambedkar saw it, was not a harmonious division of labour but a division of labourers, it was also necessarily distinct from the traditional inequality of the *ancien regime* and industrial societies in the West. 'In the system of graded inequality there is no such class as a completely unprivileged class except the one which is at the base of the social pyramid. The privileges of the rest are graded. Even the low is privileged as compared with lower. Each class being privileged, every class is interested in maintaining the system.'

This idea in "Castes in India", that caste hierarchy's origin in graded inequality challenges the formation of social coalitions by the discriminated, rounds out more fully when read against three "Riddles"

relevantly focusing on endogamy. Here I am referring to "Manu's Madness or the Brahmanic Explanation of the Origin of the Mixed Castes" (Riddle No. 18, Vol. 4), "The Change from Paternity to Maternity" (Riddle No. 19, Vol. 4), and "The Woman and the Counter-Revolution/ The Riddle of Women" (Vol. 3). In "Castes in India", written when Ambedkar was twenty-five, the practice of endogamy is used to critique the divine and racial theory of caste origin. In the "Riddles" written subsequently, Ambedkar reports on endogamy's relegation from a powerful tool of social control to a violated practice that led Manu to express concerns about the rise of mixed castes and 'freedom' for women.

Let us take Riddle No. 18 where Ambedkar emphasises the need to carefully read Manu's categorisation of castes into Aryan, non-Aryan (those rejecting the *chaturvarna* order), Vratya (believers turned rebels against the *chaturvarna* order), Fallen (Kshatriyas demoted to Shudras for rejecting rites and/or Brahman services) and Sankara castes (hybrid castes). No doubt overlong, this listing of castes does two good things. It foregrounds the classing of mixed castes in terms of those born of Aryan *anuloma* (hypergamous unions) and *pratiloma* (hypogamous unions) and Aryan and non-Aryan *anuloma* and *pratiloma* . It also reveals four anomalies in Manu and subsequent Brahmanical commentators. Highlights include additions by Manu's successors to the list of mixed castes, numerical discrepancies and major lacunae in Manu's enlisting of Sankara castes, listing of certain 'bastard' castes unheard of before Manu, and disagreement on the origin of mixed castes among Brahmanical law-givers. In this last case, whereas Manu saw the conjugation of Brahman father and Vaishya mother as Ambashta, in Suta it was Kumbhakar. Subsequently, Ambedkar takes up Manu's emphasis on the 'bastard' origin of certain castes to examine what he calls Manu's madness and that of later Smritikaras (writers and commentators of the Brahmanic laws).

Mining historical writings on tribes and early dynasties in India, Ambedkar gradually opens up Manu's historical perversion of powerful tribes—Abhiras, Ambashtas, Andhras, Maghadas, and Nishadas—as bastard castes. This tendency in Manu to malign reveals his unease over the violation of endogamy and the failure of the *chaturvarna* order to explain the independence of some communities from this system. Wading deeper,

Ambedkar exposes that Manu did not in fact grasp the implication of promiscuity inherent in his concepts—that given the size of the Chandala population it would take more than every single Brahman female to be mistress to a Shudra man.

This almost bizarre implication is the central weapon in Ambedkar's theory of Manu's Madness, whereof Manu indiscriminately lumps not only all women but also the vast majority of men under the umbrella of 'bastard' castes, or those who resisted caste hierarchy.

Thereafter, in analysing anomalies pertaining to the rules of Hindu kinship in Riddle No. 19,

Ambedkar's claim that Hindu Law recognised eight forms of marriage and thirteen kinds of sons prepares the ground for his subsequent criticism of multiple marital forms as only 'euphemisms for seduction and rape'. Thus Manu calibrates the types of marriages, with only *Asura* , *Gandharva* and *Paisacha* forms of marriage as lawful for the lower two varnas. Without disaffiliating sons, he instead grades them into two categories of heirs and kinsmen, and kinsmen but not heirs. In identifying these clusters, Ambedkar foregrounds what he considers a hitherto under-recognised alteration by Manu of a major law of consanguinity. He illustrates how unlike Manu's gradation, in prior law, when parents did not belong to the same varna, the child's varna was determined not by the mother's but the father's varna. In cases where the mother's varna is one lower than the father's (such as Brahman father, Kshatriya mother) the child takes the father's varna. But the mother's varna being more than one lower than the father's (Kshatriya father, Shudra mother) immediately disqualifies the child from the father's varna, and as later commentators suggest, this implies that the mother's varna is ascribed to the child. According to Ambedkar, Manu's alteration in this law from the rule of *pitra-savarnya* (ascription of father's varna to son) to *matra-savarnya* (son to be ascribed mother's varna) bears note because it contradicts the most basic assumption of the patriarchal family in Hindu Law.

Uncharacteristically playing devil's advocate, Ambedkar points out an unusual flexibility in the otherwise rigid Brahmanical impulse to define the caste system in terms of a closed form, namely the practice of *anuloma*

combined with the *pitra-savarnya* system that allowed for relative openness. *Rakshasa* and *Paisacha* marriages, which were the lowest forms, were probably *pratiloma* marriages between lower varna males with higher varna females. By thus allowing indirect mobility in the caste system and the laws of sonship, *anuloma* union was at any given point capable of transmuting the caste community from a hierarchically divided closed form to a composite entity. For instance, the Brahman community included children born of Brahman, Kshatriya, Vaishya, and Shudra mothers. But Manu's intervention transgresses the established *Kshetra–Kshetraja* rule (Man the Seed–Woman the Earth) of patriarchal Hindu Law. Manu dictates that in cases outside of marital unions, the ownership of the fruit (progeny) be transferred from seed to earth. Ambedkar holds that Manu's change of law from *pitra-savarnya* to *matra-savarnya* within a system, where the son's earnings already belonged to the father, was a discriminating measure. It was motivated by the presumed need to defend the caste system against the combined effect of the prohibition of *pratiloma* and corresponding violations potentially enabled by *anuloma* . Ambedkar's revelation of the method in Manu's madness is explicated further in his extrication of Manu's degradation of woman—or "The Riddle of Women".

The editorial committee of the volumes of Ambedkar's writings and speeches mentions finding two copies of Ambedkar's unpublished essay, eventually published posthumously in Volume 3 under one of its titles, "The Woman and Counter-Revolution". In a different copy, the essay was entitled "The Riddle of Women". The essay begins with a statement: 'Manu can hardly be said to be more tender to women than he was to the Shudra.' It ends with a riddle: 'In short, in pre-Manu days a woman was [a] free and equal partner of man. Why did Manu degrade her?'

I suggest that the essay (published as the last section of "The Rise and Fall of the Hindu Woman") be read in fact as Ambedkar's disentanglement of the "The Riddle of Women" in intersection with Riddles No. 18 and 19 to unpack the conundrum of graded violence against women.

Through extensive citations from the primary text, Ambedkar details Manu's low opinion of women, specifically highlighting his commentary on the inherent seductions by women of men leading to deviance and

disloyalty as necessitating control. To the frequent elucidation of Manu's injunction and having sacralised marriage, Ambedkar posits the opposite picture of a misogynist, whose law of divorce neither curbed a man from giving up his wife nor preempted him from abandoning or selling her, which then programmatically thwarted the wife from seeking her own freedom. Ambedkar argues that it was precisely because the defining moral politics was skewed that justice and injustice were irrelevant for Manu. Apparently, for him, it was in the woman's 'willingness to marry the Shudra [that] the system of gradation had been destroyed'.

The law's various machinations, which were aimed at depleting the freedom women had enjoyed during the Buddhist period, thus reduced a wife to the level of slave in matters of property and forbade her Vedic study and membership of heretic sects. In conclusion, Ambedkar outlines the ideal of the life Manu set forth for women in which she would worship her husband despite all his flaws.

Ostensibly an attack, Ambedkar's condemnation of Manu's laws for Hindu women is actually a studied comparison with a pre-Manu Hindu order. To do this, he draws heavily from Kautilya's *Arthashastra* , highlighting the prospects for women to engage in intellectual debate with men, their role in royal coronations, the record of post-puberty marriages and the ideal of monogamy, the opportunity for divorce, the absence of a ban on widow remarriage, the provision of a wife's endowment and maintenance, and even the possibility of suing a husband for assault and defamation. In delineating the model in Manu's law—by which marriage, kinship, and the degradation of women link structurally in reproducing graded inequality in society—Ambedkar's primary mode is interrogatory. Specifically, he asks three interrelated questions, to wit:

1. Why did Manu say that some castes were bastard castes/of mixed origin when as a matter of fact they were independent in their existence?

2. Why did Manu going against the basic assumption of patriarchal society change the law from Pitra-savarnaya to Matra-savarnaya?

3. Why did he degrade women?

In responding to these questions, Ambedkar demonstrates the panic among Smritikaras, such as Yagnavalkya and Suta, over tribes that rebelled against the Brahmanical order and over the sexuality of women through the anomalies in the listing of castes and the extolling of *pativrata dharma* . For him, the strength of Manu's approach lies in generating moral anxiety over women's sexuality and bastardisation of groups that resisted caste hierarchy. Ambedkar's foregrounding of Manu's denouncement of *pratiloma* , and his injunction of combining *anuloma* with rule of *matra-savarnya* in an otherwise patriarchal society, serve to reveal the differential rules of mating and lineage for men and women of different castes. Ambedkar thus emphasises the design of a grid of differential rules of mating and lineage as a means of reproducing caste and gender distinctions. These rules operate such that stringent control over sexuality becomes the reserve of the men of privileged castes while simultaneously carving spaces for their enforced cohabitation with women of the subordinated castes.

It would be a blindness of insight to not locate Ambedkar's re-readings of graded castes, patriarchy, and cross-linkages among those feminist classics that constitute the building blocks defining Brahmanical patriarchy. It helps to keep in mind that Ambedkar intended to further explicate the linkages, as is apparent in two instances. In "Annihilation of Caste", for instance,

he presents intermarriage as the only real remedy to abolish caste. Later, in his note in the preface to the third edition, he expresses his intention to integrate arguments made in his 1917 essay "Castes in India" with "Annihilation of Caste". In this preface, critiquing the reformers' preoccupation with interdining as a means of ending untouchability, he declares: 'To agitate for and to organise inter-caste dinners and inter-caste marriages is like forced feeding brought about by artificial means. Make every man and woman free from the thraldom of the *shastras* , cleanse their minds of the pernicious notions founded on the *shastras* , and he or she will inter-dine and inter-marry, without your telling him or her to do so.'

Graded Violence and the Devadasi System

Ambedkar's speech in 1936 to Vaghyas, Devadasi, Jogtinis and Aradhis in Kamatipura—the sex workers district of Bombay—is a significant instance of modern feminist ideals being publicly articulated within a historically

subordinated community of women. As such, like other writings and speeches by Ambedkar on the freedom of women, this too might be fruitfully contextualised within the larger framework of Riddles No. 18 and 19 and his gendered model of revolution and counter-revolution. This speech has often been seen as problematic by those who see Ambedkar as taking up a moralistic position in making an appeal to the Devadasis, Muralis, and Jogtinis to give up their 'disgraceful profession'. Reported in *Times of India* , 17 June 1936, following the mass conversion move inaugurated at Yeola, Ambedkar is quoted thus:

> …But I insist that if you want to be with the rest of us, you must give up your disgraceful life. The Mahar women of Kamatipura are a shame to the community… There are only two ways open to you: either you remain where you are and continue to be despised and shunned, or you give up your disgraceful profession and *come with us* . You will ask me how to make your living. I am not going to tell you that. There are hundreds of ways of doing it. But I insist that you give up this degraded life. You marry and settle down to normal domestic life as women of other classes do and do not live under conditions *which inevitably drag you into prostitution* .

Some critics have panned Ambedkar's denigration of women working as prostitutes 'bringing shame to the Mahar community', in that placing the onus of community honour on how women deploy their sexuality is yet another way of curbing women's freedom. It helps to mark that Ambedkar's appeal went out to Devadasis, Muralis and Jogtinis—women who lived less than ideal lives in a more than imperfect milieu. Here were women first initiated into religious consecration only to endorse sexual permissiveness and their subsequent entry into prostitution—their entry into a life of sex work is dictated by their birth into specific untouchable communities that are expected to provide sexual favours to caste-Hindu men, and not by choice. Women from these untouchable communities constituted a sizeable number of 'workers' in areas such as Kamatipura, Bombay.

Secondly, because this speech comes close on the heels of Ambedkar's call at Yeola in 1935—where he had called for an introspection in the Dalit community over relinquishing Hinduism, saying it was his misfortune to be

born a Hindu but he would not die a Hindu—it must be situated within his overall call to reject Brahmanical Hinduism and form a new political community. So the options he presents to the women at Kamatipura are actually between enduring degradation and refusing long-term humiliation enforced by the Hindu Brahmanic order. Thirdly, Ambedkar's appeal must be understood within the context of his indifferent position towards nationalist politics. The 1930s witnessed massive changes in family structure, specifically in the boundaries of public and private, moral and immoral, and respectable and dishonourable behaviour. Among the privileged castes, nationalist reform and abolition seeking respectability for the native woman defined the prostitute in terms of the 'other.'

In colonial Bombay, reformist groups included social workers and organisations, but both these groups and the nationalist understanding were silent on the *a priori* position of caste in privileged-caste male appropriation of the female sexual labour of subordinated castes.

In contrast, in Tamil society, the Self-Respect Movement's positions on the Devadasi question that were distinct from the nationalist position assumed significance as did Ambedkar's structuralist vantage on the rise and persistence of the Devadasi system.

Ambedkar explained the practice in terms of the linkages between caste and gender which structured Brahmanical society in ways that 'inevitably' dragged some women of the 'untouchable' castes into prostitution.

Ambedkar's Kamatipura speech, especially his statement on 'women bringing shame to the Mahar community', in conjunction with Riddles No. 18 and 19, brings forth layers of meanings. It might, for instance, be read in the light of Ambedkar's take on Manu's particular instructions on differential rules of mating and lineage as a means to reproduce caste and gender distinctions. And it becomes an earnest demand to recognise the Devadasi practice as a tradition of enforced humiliation on women and the community at large. The humiliation impacts in two specific ways, in that differential rules of graded caste order drag subordinated castes into prostitution while at once structuring the caste system itself. Therefore Ambedkar's critique of 'the disgraceful profession' rather than being a moral reproach is a clear and effective statement on how the graded

character of sexual violence (unravelled in the "Riddles") is the very mode by which caste gains the legitimacy of a system. As such, his statement is less about women being the 'honour' of the community than about cultivating self-respect as a mode of protest against the caste–patriarchal system.

Political theorist Gopal Guru's work on the subject, which takes Maharashtra as its turf, further defines the ideological capacity of the Devadasi system to destroy the moral insight of the tormented.

When enforced, the system under the aegis of temple priests and landlords marries subaltern caste females to Gods and Goddesses under the pretext of providing them the 'rare' opportunity of becoming God's consorts. Even so, Guru has identified instances in which social activism has effected concrete change. As if following Ambedkar's call from over six decades earlier, some modern Devadasis have confronted their humiliation, acted on it by rejecting the system, and subsequently sought an antidote in marriage.

Marriage in this context becomes a radical alternative to fight their reduction—though in another context there is danger that heterosexual marriage may reproduce other forms of reduction. For the Devadasi, marriage with a person in lived time and not spiritual time demonstrates the Devadasis' ability to convey to the tormentor that she refuses to participate in her own reduction and in—we may add—by corollary, that of her community. Ambedkar's appeal to the women to develop an insight into their humiliation is an epistemological act while asking the Devadasis to convey their viewpoint to the tormentor is a political act. Reading Ambedkar's 1936 speech and the "Riddles" together assumes significance, for in contemporary feminist politics some representations of sex workers overlook the intersecting social structures and processes focusing solely on the everyday of the sex workers' lives, their agency and alternate lifestyle as critiques of monogamy.

The Ambedkarite legacy, in contrast, can be seen reflected in Baburao Bagul's novel *Sud* (Revenge) wherein the protagonist Janaki, a Murali (a community like Jogtini and Vaghya), is repeatedly sold by her mother, and begins to see her sexual commodification as a mode of human degradation.

Bagul depicts Janaki's journey as a complex struggle to discover the 'self' denied by caste and patriarchy and her quest to defend it against the odds.

Gods as Polygamous, Unworthy Husbands

This section dealing with Ambedkar's writings on "Riddles in Hinduism", which he had subtitled "An Exposition to Enlighten the Masses", would be incomplete without a reading of his "The Riddle of Rama and Krishna"—a text that is feminist in its slant not only because of the protests and counter-protests it set into motion, but more because of the centrality of gender in Ambedkar's moral critique of Rama and Krishna and the debate it opens up for feminist historical interpretations of epic literature. More to the point, Ambedkar's critique pinpoints the importance of subverting traditions by re-defining epics in terms of an amalgam of various traditions. Ambedkar, for instance, cites the Buddha Ramayana, in which both Sita and Rama are Dashratha's children, and notes that Valmiki who disagrees with this story profiles Sita not as the natural child of Janaka but as an infant found by a farmer ploughing his land.

In Ambedkar's reading, Rama's marriage was far from ideal, and contrary to his virtuous reputation, Rama was not monogamous. Notably, after killing Ravana, Rama behaves irresponsibly towards Sita by delaying going to meet her, and when he finally does, ends up questioning her chastity, which suggests that warring with Ravana had more to do with his own honour than protecting his wife. In response, Sita calls Rama 'lowly' before undertaking the trial by fire. On returning to Ayodhya, Rama attempts to salvage his reputation from public censure by abandoning his wife rather than defending her innocence. Demanding yet again that Sita prove her innocence re-emphasises her tragedy and Rama's attendant crime. Ambedkar's Sita chooses death over a cruel husband.

In the Riddle of Krishna, Ambedkar defines women as instruments of Krishna's pleasure. To do so, he draws upon instances of obscenity, such as *vastra-harana* (Krishna stealing the gopis' robes), which the Brahmanic texts, by their own admission, would surely have deprecated were they extra-mythic. His Krishna is almost pathologically promiscuous having eight principal wives won in war or carried away from *Swayamvara* weddings and 16,108 consorts inherited from the harem of a defeated king.

In another vein, Sharad Patil—founder of the Satyashodhak Communist Party that espouses a fusing of Marxist, Phuleite and Ambedkarite perspectives—reads Ambedkar's critique of Rama and Krishna as a moral whipping from a negative non-Brahmanic vantage reluctant to recognise the impact of mythic heroes in Indian history. For instance, Rama's case might have played a key role in the abolition of gynocracies and matrilineal *rajakas* (monarchical *gana* states) in favour of more productive *chaturvarna rajakas* . For Patil, the struggle between Rama and Sita, and the Pandavas and Draupadi is the central dynamic in a historical reading of the epics.

In contrast, Kancha Ilaiah, in discussing the relation between Hindu Gods and Dalit-Bahujans, defends Ambedkar's critique of Krishna as having almost single-handedly illuminated how Krishna, owing to his role in the Gita, reinforced Brahmanical ideology. He views the Mahabharata's era as one necessitating a rebuilding of consent to contain Yadava revolts. Further, Ilaiah argues, Krishna, despite having grown up in a Yadava milieu, never identified with it, thus taking up the political role of a Kshatriya to defend Brahmanical *dharma* . He notes that while Krishna's beloved Radha and the gopikas were Yadavas, his wives were Kshatriyas—a class separation that neatly overlaps the Brahmanical practice by which men might freely have premarital sex with women of subordinated castes but ultimately marry into their own caste. He also reads Ambedkar's critique of the Ramayana narrative as a valuable account of Brahmanism having pervaded southern India where it codifies women's subordination against a backdrop of patriarchal monogamy stabilising in Hindu society.

Uma Chakravarti has noted that the standard notion of Sita as the quintessence of wifely devotion is a relatively later invention nowhere borne by versions preceding Valmiki's Ramayana. In earlier versions, the Rama legend provides a model of male valour and honour and the Sita story that of female chastity, fidelity, and self-sacrifice. Collectively promoting male-owned women and female sexual fidelity as the prime glue in marriage, Rama and Sita, in their capacity as idealised social beings, constitute the underlying foundation of the patriarchal monogamous family.

Re-reading “The Riddle of Rama and Krishna” enables us to first identify and then locate the largely under-acknowledged elements of Ambedkar’s argument within contemporary debates around the epics. Ambedkar’s critique of Rama and Krishna as men deploying women as objects for their honour, power, and pleasure crystallises his central argument in “The Rise and Fall of the Hindu Woman” and his defence of Buddhism from the vantage of gender. As such, these texts deliver a double blow. Firstly, they debunk the sacrament myth of Hindu marriage, and in so doing they underscore that no one’s ‘private sphere’—not even that of Gods—is free from critique. The democratic focus of this position also forms the foundation of Ambedkar’s notion of the ‘personal sphere’, as we shall see in the final part of this reader focusing on the Hindu Code Bill.

Riddle no. 18 Manu's Madness or the Brahmanic Explanation of the Origin of the mixed Castes

A READER OF the *Manusmriti*

will find that Manu for the purpose of his discussion groups the various castes under certain specific heads namely (1) Aryan castes, (2) non-Aryan castes, (3) Vratya castes, (4) Fallen castes and (5) Sankara castes.

By Aryan castes he means the four varnas namely Brahman, Kshatriya, Vaishya and Shudra. In other words, Manu regards the system of *chaturvarna* to be the essence of Aryanism. By non-Aryan castes he means those communities who do not accept the creed of *chaturvarna* and he cites the community called Dasyu as an illustration of those whom he regards as a non-Aryan community.

By Vratyas he means those castes who were once believers in the *chaturvarna* but who had rebelled against it.

The list of Vratyas given by Manu includes the following castes:

In the list of Fallen castes, Manu includes those Kshatriyas who have become Shudras by reason of the disuse of Aryan rites and ceremonies and loss of services of the Brahman priests. They are enumerated by Manu as under:

1. Paundrakas

2. Cholas

3. Dravidas

4. Kambhojas

5. Yavanas

6. Sakas

7. Paradas

8. Pahlvas

9. Chinas

10. Kiratas

11. Daradas

By Sankara castes Manu means castes the members of which are born of parents who do not belong to the same caste.

These mixed castes he divides into various categories (1) Progeny of different Aryan castes which he subdivides into two classes (a) *anuloma* and (b) *pratiloma* ,

(2) Progeny of *anuloma* and *pratiloma* castes and (3) Progeny of non-Aryan and the Aryan *anuloma* and *pratiloma* castes. Those included by Manu under the head of mixed castes are shown below under different categories:

PROGENY OF MIXED ARYAN CASTES

PROGENY OF ARYAN CASTES WITH ANULOMA–PRATILOMA CASTES

PROGENY OF MIXED MARRIAGES BETWEEN ANULOMA AND PRATILOMA CASTES

To Manu's list of Sankara (mixed) castes, additions have been made by his successors. Among these are the authors of *Aushanas Smriti* , *Baudhayana Smriti* , *Vashishtha Smriti* , *Yajnavalkya Smriti* and the *Suta Samhita* .

Of these additions four have been made by the *Aushanas Smriti* . They are noted below:

The following four are added by the *Baudhayana Smriti* :

The *Vashishta Smriti* adds one to the list of Manu, namely:

The *Yajnavalkya Smriti* adds two new castes to Manu's list of mixed castes.

The additions made by the author of the *Suta Samhita* are on a vast scale. They number sixty-three castes.

Of the five categories of castes it is easy to understand the explanation given by Manu as regards the first four. But the same cannot be said in respect of his treatment of the fifth category, namely the Sankara (mixed) caste. There are various questions that begin to trouble the mind. In the first place Manu's list of mixed castes is a perfunctory list. It is not an exhaustive list, stating all the possibilities of Sankara .

In discussing the mixed castes born out of the mixture of the Aryan castes with the *anuloma – pratiloma* castes, Manu should have specified the

names of castes which are the progeny of each of the four Aryan castes with each of the twelve *anuloma – pratiloma* castes. If he had done so we should have had a list of forty-eight resulting castes. As a matter of fact he states only the names of four castes of mixed marriages of this category.

In discussing the progeny of mixed marriages between *anuloma – pratiloma* castes, given the fact that we have twelve of them, Manu should have given the names of 144 resulting castes. As a matter of fact, Manu only gives a list of eleven castes. In the information of these eleven castes, Manu gives five possible combinations of five castes only. Of these one (Vaideha) is outside the *anuloma – pratiloma* list. The cases of the eight are not considered at all.

His account of the Sankara castes born out the non-Aryan and the Aryan castes is equally discrepant. We ought to have had first a list of castes resulting from a combination between the non-Aryans with each of the four Aryan castes. We have none of them. Assuming that there was only one non-Aryan caste—Dasyu—we ought to have had a list of twelve castes resulting from a conjugation of Dasyus with each of the *anuloma – pratiloma* castes. As a matter of fact we have in Manu only one conjugation.

In the discussion of this subject of mixed castes Manu does not consider the conjugation between the Vratyas and the Aryan castes, the Vratyas and the *anuloma – pratiloma* castes, the Vratyas and the non-Aryan castes.

Among these omissions by Manu there are some that are glaring as well as significant. Take the case of Sankara between Brahmans and Kshatriyas. He does not mention the caste born out of the Sankara between these two. Nor does he mention whether the Sankara caste begotten of these two was a *pratiloma* or *anuloma* . Why did Manu fail to deal with this question? Is it to be supposed that such a Sankara did not occur in his time? Or was he afraid to mention it? If so, of whom was he afraid?

Some of the names of the mixed castes mentioned by Manu and the other Smritikaras appear to be quite fictitious. For some of the communities mentioned as being of bastard origin have never been heard of before Manu. Nor does anyone know what has happened to them since. They are

today non-existent without leaving any trace behind. Caste is an insoluble substance and once a caste is formed it maintains its separate existence, unless for any special reason it dies out. This can happen but to a few.

Who are the Ayogava, Dhigvana, Ugra, Pukkasa, Svapaka, Svapacha, Pandusopaka, Ahindaka, Bandika, Matta, Mahikar, Shalika, Shundika, Shulika, Yekaj, Kukunda to mention only a few? Where are they? What has happened to them?

Let us now proceed to compare Manu with the rest of the Smritikaras. Are they unanimous on the origin of the various mixed castes referred to by them? Far from it. Compare the following cases.

If these different Smritikaras are dealing with facts about the origin and genesis of mixed castes mentioned above how can such a wide difference of opinion exist among them? The conjugation of two castes can logically produce a third mixed caste. But how does the conjugation of the same two castes produce a number of different castes? But this is exactly what Manu and his followers seem to be asserting. Consider the following cases:

I. Conjugation of Kshatriya father and Vaishya mother—

1. Baudhayana says that the caste of the progeny is Kshatriya .
2. Yajnavalkya says it is Mahishya.
3. Suta says it is Ambashta.

II. Conjugation of Shudra father and Kshatriya mother—

1. Manu says the progeny is Ksattri.
2. Aushanas says it is Pulaksa.
3. Vashishta says it is Vaina.

III. Conjugation of Brahman father and Vaishya mother—

1. Manu says that the progeny is called Ambashta.

2. Suta once says it is called Urdhava Napita but again says it is called Kumbhakar.

IV. Conjugation of Vaishya father and Kshatriya mother—

1. Manu says that the progeny is called Magadha.
2. Suta states that (1) Bhoja, (2) Mleccha, (3) Shalik and (4) Pulinda are the progenies of this single conjugation.

V. Conjugation of Kshatriya father and Shudra mother—

1. Manu says that the progeny is called Ugra.
2. Suta says that (1) Daushantya, (2) Daushanti and (3) Shulika are the progenies of this single conjugation.

VI. Conjugation of Shudra father and Vaishya mother—

1. Manu says the progeny is called Ayogava.
2. Suta says the progeny is (1) Pattanshali and (2) Chakri.

Let us take up another question. Is Manu's explanation of the genesis of the mixed castes historically true?

To begin with the Abhira. According to Manu the Abhiras are the bastards born of Brahman males and Ambashta females. What does history say about them? History says that the Abhiras (the corrupt form of which is Ahira) were pastoral tribes which inhabited the lower districts of the North-West as far as Sindh. They were a ruling independent tribe and according to the *Vishnu Purana*

the Abhiras conquered Magadha and reigned there for several years.

The Ambashta,

says Manu, are the bastards born of Brahman male and Vaishya female. Pantajali speaks of Ambashtas as those who are the natives of a country called Ambashta. That the Ambashtas were an independent tribe is beyond dispute. The Ambashtas are mentioned by Megasthenes, the Greek Ambassador at the court of Chandragupta Maurya, as one of the tribes

living in the Punjab who fought against Alexander when he invaded India. The Ambashtas are mentioned in the Mahabharata. They were reputed for their political system and for their bravery.

The Andhras,

says Manu, are bastards of second degree in so far as they are the progeny of Vaidehaka male and Karavara female both of which belong to bastard castes. The testimony of history is quite different. The Andhras are a people who inhabited that part of the country which forms the eastern part of the Deccan Plateau. The Andhras are mentioned by Megasthenes. Pliny the Elder (77 A.D.) refers to them as a powerful tribe enjoying paramount sway over their land in the Deccan, possessing numerous villages, thirty walled towns defended by moats and levers, and supplying their king with an immense army consisting of 1,00,000 infantry, 2,000 cavalry and 1,000 elephants.

According to Manu, the Magadhas

are bastards born of Vaishya male and Kshatriya female. Panini the grammarian gives quite a different derivation of ‘Magadha’. According to him ‘Magadha’ means a person who comes from the country known as Magadha. Magadha corresponds roughly to the present Patna and Gaya districts of Bihar. The Magadhas have been mentioned as independent sovereign people right from the earliest times. They are first mentioned in the Atharva Veda. The famous Jarasandha was the king of Magadha who was a contemporary of the Pandavas.

According to Manu the Nishadas are the bastard caste born of Brahman males and Shudra females. History has quite a different tale to tell. The Nishadas were a native tribe with its own independent territory and its own kings. The Ramayana mentions Guha as the king of Nishadas whose capital was Sringaverapura and who showed hospitality to Rama when he was undergoing exile in the forest.

As to the Vaidehaka, Manu says that they are the bastards born of Vaishya male and Brahman female. Etymologically Vaidehaka means a person who is a native of the country called Videha.

Ancient Videha corresponds to the modern districts of Champaran and Darbhanga in Bihar. The country and its people have been known to history from a very remote antiquity. The Yajur Veda mentions them. Ramayana refers to them. Sita, the wife of Rama, is the daughter of Janaka who was the king of Videha and whose capital was Mithila.

Many more cases could be examined. Those that have been are quite sufficient to show how Manu has perverted history and defamed the most respectable and powerful tribes into bastards. This wholesale bastardisation of huge communities Manu did not apply to the Vratyas. But his successors carried the scheme further and bastardised the Vratyas also. Karna in Manu is Vratya. But the *Brahma Vaivarta Purana* makes them bastards and says that they are the progeny of Vaishya father and Shudra mother. Paundraka in Manu is Vratya. But in the *Brahma Vaivarta Purana* he is a bastard born of Vaishya father and Chundi mother. Malla in Manu is Vratya. But in the *Brahma Vaivarta Purana* he is a bastard born of Letta father and Tibara mother. The Vharjjakautakas are Vratya Brahmanas according to Manu. But in the *Gautama Samhita* they are bastards born from a Brahman father and Vaishya mother. The Yavanas were declared by Manu as Vratya Kshatriya. But in *Gautama Samhita* they are shown as bastards born of a Kshatriya father and Shudra mother.

The Kiratas are according to Manu Vratya Kshatriyas. But the Ballalacharitta makes them bastards born from Vaishya father and Brahman mother.

It is quite clear that some of the communities mentioned by Manu as being bastards in origin far from being bastards were independent in origin and yet Manu and the rest of the Smritikaras call them bastards. Why this madness on their part? Is there a method in their madness?

Having regard to all these considerations it is a riddle why Manu at all raised the question of mixed castes and what he wanted to say about them. It is possible that Manu had realised that the *chaturvarna* had failed and that the existence of a large number of castes which should neither be described as Brahmans, Kshatriyas, Vaishyas and Shudras was the best proof of the breakdown of the *chaturvarna* and that he was therefore called upon to

explain how these castes who were outside the *chaturvarna* came into existence notwithstanding the rule of the *chaturvarnas* .

But did Manu realise how terrible is the explanation which he has given? What does his explanation amount to?

What a reflection on the character of men and particularly of women! It is obvious that the unions of men and women must have been clandestine because [they are] prohibited by the rule of *chaturvarna* . Such clandestine unions could take place only here and there. They could not have taken place on a wholesale scale. But unless one assumes a wholesale state of promiscuity how can one justify the origin of the Chandalas or untouchables as given by Manu.

The caste of Chandala is said by Manu to be the progeny of illegitimate intercourse between a Shudra male and a Brahman female. Can this be true? It means that Brahman women must have been very lax in their morality and must have had special sexual attraction for the Shudra.

This is unbelievable.

So vast is the Chandala population that even if every Brahman female was a mistress of a Shudra it could not account of the vast number of Chandalas in the country.

Did Manu realise by propounding his theory of the origin of the mixed castes he was assigning an ignoble origin to a vast number of the people of this country leading to their social and moral degradation. Why did he say that the castes were mixed in origin, when as a matter of fact they were independent in their existence?

Riddle no. 19 The Change from Paternity to maternity: What Did the Brahmans Wish to gain by it?

MR MAYNE

IN HIS TREATISE on Hindu Law has pointed out some anomalous features of the rules of kinships. He says:

> No part of the Hindu Law is more anomalous than that which governs the family relations. Not only does there appear to be a complete break of continuity between the ancient system and that which now prevails, but the different parts of the ancient system appear in this respect to be in direct conflict with each other. We find a law of inheritance, which assumes the possibility of tracing male ancestors in an unbroken pedigree extending to fourteen generation; while coupled with it is a family law, in which several admitted forms of marriage are only euphemisms for seduction and rape, and in which twelve sorts of sons are recognised, the majority of whom have no blood relationship to their own father.

The existence of this anomaly is a fact and will be quite clear to those who care to study the Hindu Law of marriage and paternity.

The Hindu Law recognises eight different forms of marriage, namely (1) *Brahma* , (2) *Daiva* , (3) *Arsha* , (4) *Prajapatya* , (5) *Asura* , (6) *Gandharva* , (7) *Rakshasa* and (8) *Paisacha* .

The *Daiva* marriage consists of the giving of the daughter by father to the family priest attending a sacrifice at the time of the payment of the sacrificial fee and in lieu of it.

Arsha marriage is characterised by the fact that the bridegroom has to pay a price for the bride to the father of the bride.

Prajapatya form of marriage is marked by the application of a man for a girl to be his wife and the granting of the application by the father of the girl.

The difference between *Prajapatya* and *Brahma* marriage lies in the fact that in the latter the gift of the daughter is made by the father voluntarily but has to be applied for. The fifth or the *Asura* form of marriage is that in which the bridegroom, having given as much wealth as he can afford to the father and paternal kinsmen, and to the girl herself, takes her as his wife. There is not much difference between *Arsha* and *Asura* forms of marriage. Both involve sale of the bride. The difference lies in this that in the *Arsha* form the price is fixed while in the *Asura* form it is not.

Gandharva marriage is a marriage by consent contracted from non-religious and sensual motives. Marriage by seizure of a maiden by force from her house while she weeps and calls for assistance after her kinsmen and friends who have been slain in battle or wounded and their houses broken open, is the marriage styled *Rakshasa* .

Paisacha marriage is marriage by rape on a girl either when she is asleep or flushed with strong liquor or disordered in her intellect

Hindu Law recognised thirteen kinds of sons (1) *Aurasa* , (2) *Kshetraja* , (3) *Putrikaputra* , (4) *Kanina* , (5) *Gudhaja* , (6) *Punarbhava* , (7) *Sahodhaja* (8) *Dattaka* , (9) *Kritrima* , (10) *Kritaka* , (11) *Apaviddha* , (12) *Svayamdatta* and (13) *Nishada* .

The *Aurasa* is a son begotten by a man himself upon his lawfully wedded wife.

Putrikaputra means a son born to a daughter. Its significance lies in the system under which a man who had a daughter but no son could also have his daughter to cohabit with a man selected or appointed by him. If a daughter gave birth to a son by such sexual intercourse the son was called *Putrikaputra* . Man’s right to compel his daughter to submit to sexual

intercourse with a man of his choice in order to get a son for himself continued to exist even after the daughter was married. That is why a man was warned not to marry a girl who had no brothers.

Kshetraja literally means son of the field i.e., of the wife. In Hindu ideology the wife is likened to the field and the husband being likened to the master of the field. Where the husband was dead, or alive but impotent, or incurably diseased, the brother or any other *sapinda* of the deceased was appointed by the family to procreate a son on the wife. The practice was called *Niyoga* and the son so begotten was called *Kshetraja.*

If an unmarried daughter living in the house of her father has through illicit intercourse given birth to a son and if she subsequently was married the son before marriage was claimed by her husband as his son. Such a son was called *Kanina* .

The *Gudhaja* was apparently a son born to a woman while the husband had access to her but it is suspected that he is born of an adulterous connection. As there is no proof by an irrefutable presumption so to say the husband is entitled to claim the son as his own. He is called *Gudhaja* because his birth is clouded in suspicion, *Gudha* meaning suspicion.

Sahodhaja is a son born to a woman who was pregnant at the time of her marriage. It is not certain whether he is the son of the husband who had access to the mother before marriage or whether it is the case of a son begotten by a person other than the husband. But it is certain that the *Sahodhaja* is a son born to a pregnant maiden and claimed as his son by the man who marries her.

Punarbhava is the son of a woman who, abandoned by her husband and having lived with others, re-enters his family. It is also used to denote the son of a woman who leaves an impotent, outcaste, or a mad or diseased husband and takes another husband.

Parasava

is the son of a Brahman by his Shudra wife.

The rest of the sons are adopted sons as distinguished from those who were claimed as sons.

Dattaka is the son whom his father and mother give in adoption to another whose son he then becomes.

Kritrima is a son adopted with the adoptee's consent only.

Kritaka is a son purchased from his parents.

Apaviddha is a boy abandoned by his parents and is then taken in, adopted and reckoned as a son.

Svayamdatta is a boy bereft of parents, or abandoned by them, seeks a man shelter and presents himself saying, 'Let me become your son'. When accepted he becomes his son.

It will be noticed how true it is to say that many forms of marriage are only euphemisms for seduction and rape and how many of the sons have no blood relationship to their father. These different forms of marriage and different kinds of sons were recognised as lawful even up to the time of Manu and even the changes made by Manu are very minor. With regard to the forms of marriage Manu

does not declare them to be illegal. All that he says that of the eight forms, six—namely, *Brahma* , *Daiva* , *Arsha* , *Prajapatya* , *Asura* , *Gandharva* , *Rakshasa* and *Paisacha* —are lawful for a Kshatriya, and that three—namely *Asura* , *Gandharva* and *Paisacha* —are lawful for a Vaishya and a Shudra.

Similarly he does not disaffiliate any of the twelve sons. On the contrary he recognises their kinship. The only change he makes is to alter the rules of inheritance by putting them into two classes (1) heirs and kinsmen and (2) kinsmen but not heirs. He says:

> 159. The legitimate son of the baby, the son begotten on a wife, the son adopted, the son made, the son secretly born, and the son cast off (are) the six heirs and kinsmen.

160. The son of an unmarried damsel, the son received with the wife, the son bought, the son begotten on a remarried woman, the son self-given and the son of a Shudra female (are) the six (who are) not heirs, (but) kinsmen.

162. If the two heirs of one man be a legitimate son of his body and a son begotten on his wife, each (of the two sons), to the exclusion of the other, shall take the estate of his (natural) father.

163. The legitimate son of the body alone (shall be) the owner of the paternal estate; but, in order to avoid harshness, let him allow maintenance to the rest.

There is another part of the law of consanguinity which has undergone a profound change but which has hardly been noticed by anybody. It relates to the determination of the varna of the child. What is to be the varna of the child? It is to be the father's varna or mother's varna? According to the law as it prevailed in the days before Manu the varna of the child was determined by the varna of the father. The varna of the mother was of no account. A few illustrations will suffice to prove the thesis. (See table in p. 174).

What does Manu do? The changes made by Manu in the law of the child's varna are of a most revolutionary character. Manu lays down the following rules:

5. In all castes (varna) those (children) only which are begotten in the direct order on wedded wives, equal (in caste) and married as (virgins) are to be considered as belonging to the same caste (as their fathers).

6. Sons, begotten by twice-born men on wives of the next lower castes, they declare to be similar (to their fathers, but) blamed on account of the fault (inherent) in their mothers.

14. Those sons of the twice-born, begotten on wives of the next lower castes, who have been enumerated in due order, they call by the name

Anantaras (belonging to the next lower caste) on account of the blemish (inherent) in their mothers.

41. Six sons, begotten (by Aryans) on women of equal and the next lower castes (Anantara), have the duties of twice-born men: but all those born in consequence of a violation of the law are, as regards their duties, equal to Shudras.

Manu distinguishes the following cases:

1. Where the father and mother belong to the same varna.
2. Where the mother belongs to a varna next lower to that of the father e.g. Brahman father and Kshatriya mother, Kshatriya father and Vaishya mother, Vaishya father and Shudra mother.
3. Where the mother belongs to a varna more than one degree lower to that of the father e.g. Brahman father and Vaishya or Shudra mother, Kshatriya father and Shudra mother.

In the first case the varna of the child is to be the varna of the father. In the second case also the varna of the child is to be the varna of the father. But in the third case the child is not to have the father's varna. Manu does not expressly say what is to be the varna of the child if it is not to be that of the father. But all the commentators of Manu—Medhatithi, Kalluka Bhatt, Narada and Nanda Pandit

—agree saying what of course is obvious is that in such cases the varna of the child shall be the varna of the mother. In short, Manu altered the law of the child's varna from that of *pitra-savarnya* —according to father's varna, to *matra-savarnya* —according to mother's varna.

This is a most revolutionary change. It is a pity few have realised that given the forms of marriage, kinds of sons, the permissibility of *anuloma* marriages and the theory of *pitra-savarnya* , the varna system, notwithstanding the desire of the Brahmans to make it a closed system, remained an open system. There were so many holes so to say in the varna system. Some of the forms of marriage had no relation to the theory of Varna.

Indeed they could not have. The *Rakshasa* and the *Paisacha* marriages were in all probability marriages in which the males belonged to the lower varnas and the females to the higher varnas. The law of sonship probably left many loopholes for the sons of Shudra to pass as children of the Brahman. Take for instances sons such as *Gudhajas* , *Sahodhajas* , *Kaninas* . Who can say that they were not begotten by Shudra or Brahman, Kshatriya or Vaishya. Whatever doubts there may be about these, the *anuloma* system of marriage, which was sanctioned by law combined with the law of *pitra-savarnya* , had the positive effect of keeping the varna system by allowing the lower varnas to pass into the higher varna. A Shudra could not become a Brahman, a Kshatriya or a Vaishya. But the child of a Shudra woman could become a Vaishya if she was married to a Vaishya, a Kshatriya if she was married to a Kshatriya, and even a Brahman if she was married to a Brahman. The elevation and the incorporation of the lower orders into the higher orders was positive and certain, though the way of doing it was indirect. This was one result of the old system. The other result was that a community of a varna was always a mixed and a composite community. A Brahman community might conceivably consist of children born of Brahman women, Kshatriya women, Vaishya women and Shudra women—all entitled to the rights and privileges belonging to the Brahman community. A Kshatriya community may conceivably consist of children born of Kshatriya women, Vaishya women ad Shudra women—all recognised as Kshatriya and entitled to the rights and privileges of the Kshatriya community. Similarly the Vaishya community may conceivably consist of children born of Vaishya women and Shudra women all recognised as Vaishyas and entitled to the rights and privileges of the Vaishya community.

The change made by Manu is opposed to some of the most fundamental notions of Hindu Law. In the first place, it is opposed to the *Kshetra – Kshetraja* rule of Hindu Law.

According to this rule, which deals with the question of property in a child, the owner of the child is the *de jure* husband of the mother and not the *de facto* father of the child. Manu is aware of this theory. He puts it in the following terms:

> Thus men who have no marital property in women, but sow in the fields owned by others, may raise up fruit to the husbands, but the procreator can have no advantage from it. Unless there be a special agreement between the owners of the land and of the seed the fruit belongs clearly to the landowner, for the receptacle is more important than the seed.

It is on this that the right to the twelve kinds of sons is founded. This change was also opposed to the rule of *patria potestas* .

[The] Hindu family is a patriarchal family, same as the Roman family. In both the father possessed certain authority over members of the family. Manu is aware of this and recognised it in the most ample terms. Defining the authority of the Hindu father, Manu says: 'Three persons, a wife, a son, and a slave, are declared by law to have in general no wealth exclusively their own; the wealth which they may earn is regularly acquired for the man to whom they belong.'

They belong to the head of the family—namely the father. Under the *patria potestas* the sons' earnings are the property of the father. The change in the law of paternity means a definite loss to the father.

Why did Manu change the law from *pitra-savarnya* to *matra-savarnya* ?

The Riddle of Rama and Krishna

... CONSIDER HIS TREATMENT of his own wife Sita. With the army collected for him by Sugriva and Hanuman, Rama invades Lanka. There too he plays the same mean part as he did as between the two brothers Vali and Sugriva. He takes the help of Bibhishana, the brother of Ravana, promising him to kill Ravana and also his son Indrajit. The first thing Rama does after the close of the fight is to give a decent burial to the dead body of Ravana. Thereafter he interests himself in the coronation of Bibhishana, and it is after the coronation is over that he sends Hanuman to Sita and that too to inform her that he, Laxman and Sugriva, are hale and hearty and that they have killed Ravana.

The first thing he should have done after disposing of Ravana was to have gone to Sita. He does not do so. He finds more interest in the coronation than in Sita. Even when the coronation is over he does not go himself but sends Hanuman. And what is the message he sends? He does not ask Hanuman to bring her. He asks him to inform her that he is hale and hearty. It is Sita who expresses to Hanuman her desire to see Rama. Rama does not go to Sita, his own wife, who was kidnapped and confined by Ravana for more than ten months. Sita is brought to him, and what does Rama say to Sita when he sees her? It would be difficult to believe any man with ordinary human kindness could address his wife in such dire distress as Rama did to Sita when he met her in Lanka if there was not the direct authority of Valmiki. This is how Rama addressed her:

> I have got you as a prize in a war after conquering my enemy, your captor. I have recovered my honour and punished my enemy. People have witnessed my military prowess and I am glad my labours have been rewarded. I did not take this trouble for your sake.

Could there be anything more cruel than this conduct of Rama towards Sita? He does not stop there. He proceeded to tell her:

> I suspect your conduct. You must have been spoiled by Ravana. Your very sight is revolting to me. Oh you daughter of Janaka! I allow you to go anywhere you like. I have nothing to do with you. I conquered you back and I am content, for that was my object. I cannot think that Ravana would have failed to enjoy a woman as beautiful as you are.

Quite naturally Sita calls Rama low and mean and tells him quite plainly that she would have committed suicide and save him all this trouble if, when Hanuman first came, he had sent her a message that he had abandoned her on the ground that she was kidnapped. To give him no excuse Sita undertakes to prove her purity. She enters the fire and comes out unscathed. The Gods, satisfied with this evidence, proclaim that she is pure. It is then that Rama agrees to take her back to Ayodhya.

And what does he do with her when he brings her back to Ayodhya. Of course, he became king and she became queen. But while Rama remained king, Sita ceased to be a queen very soon. This incident reflects great infamy upon Rama. It is recorded by Valmiki in his Ramayana that some days after the coronation of Rama and Sita as king and queen Sita conceived. Seeing that she was carrying some residents of evil disposition, people began to calumniate Sita suggesting that she must have conceived from Ravana while she was in Lanka, and blaming Rama for taking such a woman back as his wife. This malicious gossip in the town was reported by Bhadra, the court joker, to Rama. Rama evidently was stung by this calumny. He was overwhelmed with a sense of disgrace. This is quite natural. What is quite unnatural is the means he adopts of getting rid of this disgrace. To get rid of this disgrace he takes the shortest cut and the swiftest means—namely to abandon her, a woman in a somewhat advanced state of pregnancy in a jungle, without friends, without provision, without even notice in a most treacherous manner.

There is no doubt that the idea of abandoning Sita was not sudden and had not occurred to Rama on the spur of the moment. The genesis of the idea, the developing of it and the plan of executing are worth some detailed mention. When Bhadra reports to him the gossip about Sita which had spread in the town, Rama calls his brothers and tells them his feelings. He tells them Sita's purity and chastity were proved in Lanka, that Gods had

vouched for it and that he absolutely believed in her innocence, purity and chastity. ‘All the same the public are calumniating Sita and are blaming me and putting me to shame. No one can tolerate such disgrace. Honour is a great asset. Gods as well as great men strive to maintain it in fact. I cannot bear this dishonour and disgrace. To save myself from such dishonour and disgrace I shall be ready even to abandon you. Don’t think I shall hesitate to abandon Sita.’

This shows that he had made up his mind to abandon Sita as the easiest way of saving himself from public calumny without waiting to consider whether the way was fair or foul. The life of Sita simply did not count. What counted was his own personal name and fame. He of course does not take the manly course of stopping this gossip, which as a king he could do, and which as a husband who was convinced of his wife’s innocence he was bound to do. He yielded to the public gossip and there are not wanting Hindus who use this as ground to prove that Rama was a democratic king when others could equally well say that he was a weak and cowardly monarch. Be that as it may, that diabolical plan of saving his name and his fame he discloses to his brothers but not to Sita—the only person who was affected by it and the only person who was entitled to have notice of it. But she is kept entirely in the dark. Rama keeps it away from Sita as a closely guarded secret and waits for an opportunity to put his plan into action.

Eventually the cruel fate of Sita gives him the opportunity he is waiting for. Women who are carrying exhibit all sorts of cravings for all sorts of things. Rama knew of this. So one day he asks Sita if there was anything for which she felt a craving. She says yes. Rama asks what it is. She replies that she would like to live in the vicinity of the ashrama of a sage on the bank of the river Ganges and live on fruits and roots at least for one night. Rama simply jumps at the suggestion of Sita, and says, ‘Be easy my dear, I shall see that you are sent there tomorrow.’ Sita treats this as an honest promise by a loving husband. But what does Rama do? He thinks it is a good opportunity for carrying through his plan of abandoning Sita. Accordingly he calls his brothers to a secret conference and discloses to them his determination to use this desire of Sita as an opportunity to carry out his plan of abandonment of Sita. He tells his brothers not to intercede on behalf of Sita, and warns them that if they came in his way he would look upon them as

his enemies. Then he tells Laxman to take Sita in a chariot next day to the ashrama in the jungle on the bank of the river Ganges and to abandon her there. Laxman does not know how he can muster the courage to tell Sita what was decided about Sita by Rama. Sensing his difficulty Rama informs Laxman that Sita had already expressed her desire to spend some time in the vicinity of an ashrama on the bank of the river and eased the mind of Laxman. This confabulation takes place at night. The next morning Laxman asks Sumanta to yoke the horses to the chariot. Sumanta informs Laxman of his having done so. Laxman then goes into the palace and meets Sita and reminds her of her having expressed her desire to pass some days in the vicinity of an ashrama and Rama having promised to fulfil the same and tells her of his having been charged by Rama to do the needful in the matter. He points to her the chariot waiting there and says 'let us go'! Sita jumps into the chariot with her heart full of gratitude to Rama. With Laxman as her companion and Sumanta as coachman the chariot proceeds to its appointed place. At last they are on the banks of the Ganges and are ferried across by the fishermen. Laxman falls at Sita's feet, and with hot tears issuing from his eyes, he says, 'Pardon me, O, blameless queen, for what I am doing. My orders are to abandon you here, for the people blame Rama for keeping you in his house.'

Sita, abandoned by Rama and left to die in a jungle, seeks shelter in the ashrama of Valmiki which was near about. Valmiki gives her protection and keeps her in his ashrama. There in course of time Sita gives birth to twin sons, called Kusa and Lava. The three live with Valmiki. Valmiki brings up the boys and teaches them to sing the Ramayana which he had composed. For twelve years the boys live in the forest in the ashrama of Valmiki not far from Ayodhya where Rama continues to rule. Never once in those twelve years this model husband and loving father cared to inquire what had happened to Sita whether she was living or whether she was dead. Twelve years after Rama meets Sita in a strange manner. Rama decides to perform a *yadna*

and issues invitation to all the Rishis to attend and take part. For reasons best known only to Rama no invitation is issued to Valmiki although his ashrama was near Ayodhya. But Valmiki comes to the *yadna* of his own accord accompanied by the two sons of Sita introducing them as his

disciples. While the *yadna* is going on the two boys used to perform recitations of Ramayana in the presence of the assembly. Rama is very pleased and makes inquires when he is informed that they are the sons of Sita. It was only then that he remembers Sita and what does he do then? He does not send for Sita. He calls these innocent boys who knew nothing about their parents' sin, who were the only victims of a cruel destiny, to tell Valmiki that if Sita was pure and chaste she could present herself in the assembly to take a vow and thereby remove the calumny cast against herself and himself. This is a thing she had once done in Lanka. This is a thing she could have been asked to do again before she was sent away. There was no promise that after this vindication of her character Rama was prepared to take her back. Valmiki brings her to the assembly. When she is in front of Rama, Valmiki says, 'O, son of Dasaratha, here is Sita whom you abandoned in consequence of public disapprobation. She will now swear her purity if permitted by you. Here are your twin-born sons bred up by me in my hermitage.' 'I know', says Rama, 'that Sita is pure and that these are my sons. She performed an ordeal in Lanka in proof of her purity and therefore I took her back. But people here have doubts still, and let Sita perform an ordeal here that all these Rishis and people may witness it.'

With eyes cast down on the ground and with hands folded Sita swears, 'As I never thought of any man except Rama even in my mind, let Mother Earth open and bury me. As I always loved Rama in words, in thoughts, and in deed, let Mother Earth open and bury me!' As she uttered the oath, the earth verily opened and Sita was carried away inside seated on a golden *simhasana* (throne). Heavenly flowers fell on Sita's head while the audience looked on as in a trance.

That means that Sita preferred to die rather than return to Rama who had behaved no better than a brute.

Such is the tragedy of Sita and the crime of Rama the God. Let me throw some searchlight on Rama the King.

Rama is held out as an ideal king. But can that conclusion be said to be founded in fact?

As a matter of fact Rama never functions as a king. He was a nominal king. The administration, as Valmiki states, was entrusted to Bharata, his brother. He had freed himself from the cares and worries about his kingdom and his subjects. Valmiki has very minutely described the daily life of Rama after he became king. According to that account the day was divided into two parts. Up to forenoon and afternoon. From morning to forenoon he was engaged in performing religious rites and ceremonies and offering devotion. The afternoon he spent alternately in the company of court jesters and in the zenana. When he got tired of the zenana he joined the company of jesters and when he got tired of jesters he went back to the zenana. Valmiki also gives a detailed description of how Rama spent his life in the zenana. This zenana was housed in a park, Ashoka Vana. There Rama used to take his meal. The food, according to Valmiki, consisted of all kinds of delicious viands. They included flesh and fruits and liquor. Rama was not a teetotaller. He drank liquor copiously and Valmiki records that Rama saw to it that Sita joined with him in his drinking bouts. From the description of the zenana of Rama as given by Valmiki it was by no means a mean thing. There were Apsaras, Uraga and Kinnari accomplished in dancing and singing. There were other beautiful women brought from different parts. Rama sat in the midst of these women drinking and dancing. They pleased Rama and Rama garlanded them. Valmiki calls Rama a 'Prince among women's men'. This was not a day's affair. It was a regular course of his life.

….

KRISHNA WAS NOW, for the first time, married. He married Rukmini, daughter of Bhishmaka, king of Vidarbha. Her father, at Jarasandha's advice, was making preparations to get her married to Sishupala, Krishna's cousin and king of Chedi. But Krishna carried her off on the day before the proposed marriage. The Bhagavata says she had fallen in love with Krishna and had addressed a love letter to him. This does not seem to be true. For Krishna did not remain a true and faithful husband of Rukmini. Rukmini was gradually followed by an enormously vast army of co-wives till the number of Krishna's consorts rose to sixteen thousand one hundred and eight. His children numbered one lakh and eighty thousand. The chief of his wives were the well-known eight: Rukmini, Satyabhama, Jambavati,

Kalindi, Mitrabinda, Satya, Bhadra and Lakshmana. The remaining sixteen thousand and one hundred were married to him on the same day. They belonged originally to the harem of King Naraka of Pragjyotish whom Krishna defeated and killed at the invitation of Indra, whose mother's earrings had been carried away by Naraka. While paying a visit after the battle to Indra's heaven in company with Satyabhama, this lady took fancy to Indra's famous *parijat* tree. To oblige his wife, Krishna had to fight with the God whom he had just favoured. Indra, though the chief of the Vedic Gods and though he was helped by the latter on this occasion, was indeed no match for the 'Incarnation of the Supreme Being' and was forced to part with his favourite flower-tree, which was thus carried to Dwarka and planted there.

The story of how he obtained his chief eight wives is very interesting. The story of how he got Rukmini is already told. Satyabhama was the daughter of Satrajit, a Yadava chief who gave her away in marriage to Krishna because he was afraid of him and wished to buy his favour. Jambavati was the daughter of Jambavana, a bear chief, against whom Krishna waged a long war to recover a precious gem he had taken away from a Yadava. Jambavana was defeated and presented his daughter to Krishna as a peace-offering. Kalindi went through a series of austerities in order to get Krishna as her husband and her devotion was rewarded by the marriage she had sought. Mitrabinda was a cousin of Krishna and was carried off by him from the *Swayamvara* grounds. Satya was the daughter of Nagnajit, king of Ayodhya, and was won by Krishna when he had achieved a brave feat of arms, namely, killing a number of naughty bulls belonging to Nagnajit. Bhadra was another cousin of Krishna and was married by him in the usual way. Lakshmana was the daughter of Brihatsena, king of Madra, and was carried off by him from the *Swayamavara* ground.

Krishna's part in Arjuna's marriage with Subhadra, sister of Balarama and Krishna's half-sister, is noteworthy. In the course of his travels Arjuna arrived at the holy place of Prabhasa, and was received by Krishna on the hill of Rajvataka. There he was enamoured of Subhadra and asked Krishna how he could get her. Krishna advised him to carry her off as a brave Kshatriya without depending upon the chances of a *Swayamavara* , the usual Kshatriya form of marriage. The Yadavas were at first enraged at this

outrage, but when Krishna convinced them that Arjuna would be a very worthy husband for Subhadra, and that by carrying her off he had done nothing unworthy of a hero, they consented to the union. And how could they do otherwise? Krishna did not simply argue like us, poor talkers. He, as we have already seen, had backed his precepts by his example.

Section 3The Unwept and Unsung Deathof the Hindu Code Bill

NO SOONER HAD AMBEDKAR been appointed head of the Drafting Committee of the Indian Constitution than he received the sobriquet ‘Modern Manu’, possibly the most incongruous title for someone who initiated the 1927 Mahad movement by setting aflame the *Manusmriti* , the very book that brings Manu fame. Consider, in contrast to this title, the images of Ambedkar as the maker of the Indian Constitution that continue to occupy the works of composers and singers of the Ambedkarite *gayan parties* . Two compositions by a Buddhist Mahila Mandal, documented at Mahad in 2004, claim the Constitution to be the true pride of the nation and compare the ‘Mahatma’ on the Indian currency note with ‘Bhima’ who has made the nation proud with the mere nib of his pen:

One who says Jai Bhim
Knows the value of Jai Bhim

He knows that Baba’s Constitution
is the real pride of India,

Why sing the false praise of the Yogi?
India is a great nation
Because it is here that Phule and Ambedkar were born…

The Great Yogis went just the way they came
all shattered to pieces.

Who says our nation stands on the rupee note
You must say only that which is true
My Bhima lifted the nation
Just on the nib of a pen.

In another composition, Shahir Arvind Akoliwala says of Ambedkar:

…By rejecting the Law of King Manu,
He brought benefits to the entire woman caste
Pratibha- *tai* and Mayawati too can now advise the world.

In drafting a Constitution that guaranteed individual and group rights Ambedkar took the protest against Manu's code to its literal end, followed soon after by the Hindu Code Bill that wedged open the divide of 'personal/private' spheres to democratic debate. When the Constitution was adopted on 25 November 1949, Ambedkar alerted his observers to the potential complacency of political democracy by emphasizing two principles absent in Indian society—equality and fraternity.

> In politics we will be recognising the principle of one man–one vote and one vote one value. In our social and economic life, we shall by reason of our economic and social structure, continue to deny the principle of one man–one value…. If we continue to deny it for long, we will do so only by putting our political democracy in peril.

These words are free from the presumption that political modernity would supplant tradition and destroy the traditional structures of domination. Ambedkar's forceful counsel to the Constituent Assembly to frame a Common Civil Code through the Hindu Code Bill needs to be seen as an effort to recognise the politically equal Indian woman citizen as an individual, and not merely as the bearer of the 'honour' of the family, kinship, and community.

In 1948, after Nehru decided on a sub-committee of the Assembly, he nominated Ambedkar as its head entrusted with the responsibility to draft the Hindu Code Bill. The Bill sought to codify the diverse systems and property practices pertaining to men and women, alter the order of succession, and design new laws of maintenance, marriage, divorce, adoption, guardianship and the minorities. In summarising the provisions of the Bill to the Assembly, Ambedkar broaches unprecedented issues such as the abolition of birthright to property, property by survivorship, half share for daughters, conversion of women's limited estate into an absolute estate, abolition of caste in matters of marriage and adoption, and the principle of monogamy and divorce.

Even a brief perusal reveals that the proposed legal reforms were aimed to undermine and limit practices that reproduced Brahmanical patriarchy. These included compulsory endogamy, absence of women's absolute right to property, indissolubility of marriage for women, and the threat polygamy presented for women. Bitter opposition from Congress members, the Hindu Mahasabha, and other Hindu religious leaders reiterates the Bill's challenge to the very of basis of Brahmanical patriarchy.

A proper grasp of the intensity of opposition to the Bill calls for a brief digression to the larger context beyond the Assembly, namely the world of popular culture that Ambedkar, too, enjoyed.

Consider the 1955 Hindustani film *Mr and Mrs 55* , starring Guru Dutt and Madhubala, which adumbrated the anxieties that the Bill generated. The film, compared by critics to a 'Hollywood-style romance', is said to be loosely based on the play *Modern Marriage* by Abrar Alvi who is also the scriptwriter of the film. Directed and produced by Dutt, *Mr and Mrs 55* tells the story of a struggling cartoonist Preetam Kumar (Guru Dutt) falling in love with a rich heiress Anita Verma (Madhubala). Anita's aunt Sita Devi (Lalita Pawar), who is a caricature of an 'insensitive' women's rights activist, wants Anita to enter matrimony with the sole object of meeting a stipulation in her father's will that says she can inherit only if she marries. The rest of the film is about staging a marriage of convenience, the man-hating 'feminist' aunt hankering for divorce, the couple 'really' falling in love, and their finally investing faith in the niceties of heterosexual marriage.

Specifically, the film caricatures the Hindu Code Bill as a 'divorce bill' in the form of a romantic comedy. The narrative reflects various anxieties related to women collectively entering public spaces to debate their rights and roles within the family. By the plot, the heroine embraces a contractual marriage in order to claim her father's property foregrounding the apprehensions regarding female agency in negotiating property and reducing marriage from a 'sacrament' to a dissoluble contract.

The plot frames this unrest by posing the 'uncontrolled modernity' of the Westernised, educated, upper class woman—the film begins with Anita playing tennis—against the self-effacing, subaltern Indian woman.

Resolution occurs when the heroine realises that Hindu marriage is a sacrament over and above law of the state. Indian tradition is restored to its authentic bearer—the upper caste, middle class woman—in the concluding scenes set in a courtroom. The heroine says: 'If keeping one's family happy is slavery, I'll praise such slavery.' Overall, the dialogue and screenplay resonate with debates that followed the Bill's presentation in parliament. Individual members contrasted their own 'humble' wives married through *shastric* rites with the 'lavender lip' women—the imagined subject of the Hindu Code Bill. Rajendra Prasad, then President of India and Chairman of the Constituent Assembly of India, argued that his wife would never support the divorce clause and it was only 'over-educated' women who favoured the Bill.

Ambedkar's Logic and Strategies

Given that the Bill became so controversial and elicited vehement opposition from the House, Ambedkar became ever more committed to its potential for bettering society at large. This tenacity of belief became the fuel that powered his arguments.

Most of the uproar was caused by clauses referring to the abolition of caste restrictions in marriage, monogamy, divorce, and equal share in property for women. Against such censure, Ambedkar's sophisticated and reasoned argument illuminates the Bill's necessity and persuades naysayers to keep an open mind, all of which preceded his final recourse to resignation in protest. For instance, he argued that lifting caste restrictions in marriage and adoption was not tantamount to a ban on these practices within a caste. The Bill would not disable the right of orthodox communities to continue to do what they thought was right by 'their *dharma* ', and by that logic would also assist those impelled by 'reason and conscience' to transcend caste restrictions. Here, the object was clearly to make kinship, or partner selection and adoption, so far policed by caste boundaries, subject to debate.

To critics of the Bill, who faulted his defiance of polygamy, for being 'too Western', Ambedkar offered the Hindu *smritis* and *shastras* , which he argued pro-polygamists implicitly contravene. Brahmanic codes, he reminded, never designated unfettered polygamy as the rule of law. Rather,

monogamy was the ideal, and polygamy was advised only under certain conditions. Citing laws in the princely states and countries across the world, he argued for monogamy as a pan-cultural principle of modern states. When he directed attention to the successive Brahmanisation of law in India he was essentially making a case for the clause regarding the right to divorce that was virulently opposed for its potential to fracture Indian society. Given that divorce was a customary practice/law among Shudras who constituted 90 percent of Indian society, he questioned the imposition of minority law on the majority.

He drew upon Kautilya's political treatise *Arthashastra* to demonstrate that if stringent closures in marriage practices (the Brahmanisation of the practices) existed, they were later additions. In essence, unanimity between Hindu law-givers was far less absolute than was commonly understood.

In conclusion, he took up the issue of women's property, or *stridhan* , a core focus in the *smritis* . He launched off with a characteristically humorous reprimand of the ancient Brahmans for having made the framing of the *smritis* their paramount occupation. He marked the issue of women's property among the most complicated and intricate issues, as there were at least 137 *smritis* , variously opinionated on *stridhan* .

He identified a difference between *stridhan* acquired before and after marriage, widow's property, and daughter's share. He addressed arguments against women earning absolute estate rather than limited estate. Specifically, he countered the notion that women are stupid and gullible, and likely to manage and transfer property in ways detrimental to themselves and their families. Placing the burden of proof on his critics, he challenged them to demonstrate how it was that women trusted to dispose of *stridhan* could not be adequately trusted to dispose of widow property. Why then should they not gain absolute right in property? In defence of the daughter's share in the property, he said that arguments in favour of this proposition could be made at several levels. At a higher level, a case could be made in terms of a critique of son preference in Hindu society. He clarified that he was proposing a lower level of reasoning by only reiterating the share granted to the daughter by the two Smritikaras, Manu and Yagnavalkya.

In all, his gambit transcended the simplistic binary logic of Indian tradition/Western modernity tacit in his critics' charges. He used the democratic appeal of Western idealism to challenge the forced homogenisation of Indian tradition under Brahmanic law. Ultimately, while the Hindu *shastras* proved useful to pin down his critics' inconsistencies Ambedkar was nonetheless differentiating his position ('I belong to the other caste') in referring to Brahmanic texts as 'your *shastras* '.

This was a necessary distinction, not only because it was true but also because it enabled Ambedkar to defend the Bill against what his opponents termed a manifesto of unfettered freedom for women.

The Resignation in Protest

The Hindu Code Bill was introduced in the Constituent Assembly on the 11 April 1947 and referred to a Select Committee after one full year. The motion for consideration of the report of the Select Committee was made by Ambedkar on 31 August 1948. Discussion, albeit not a continuous one, began in February 1949 and finally the House adopted Ambedkar's motion that the Bill as reported by the Select Committee was to be taken into consideration on 19 December 1949. No time was given to discuss the Bill in the year 1950. Next, the Bill came up in the House for three days in February 1951, when a clause-by-clause consideration of the Bill was taken up. The Bill was placed on the agenda once again only in September 1951. Ambedkar requested Nehru that the debate on the Hindu Code should begin immediately and at least the part dealing with marriage, divorce and monogamy be enacted. Nehru agreed, but pointed out that discussion could start only on 5 September. Actually it began only on 10 September. Seven days later, as the discussion was under way, Nehru put forth a new proposal —that the Bill as a whole may not be passed within the time available, so it should be presented in parts. It became clear that the Congress party did not want to adopt any part of the measure before the general election. After four years in which four clauses had been passed, the Bill—which remained for consideration with the Constituent Assembly and later the provisional parliament—was dropped. However, it could not be passed before the dissolution of the Constituent Assembly in September 1951.

The opponents continued to openly lobby and rally against the Bill arguing that it was based on ideas and concepts foreign to Hindu Law and susceptible to dividing every family. Dharma Sangh (Association of Dharma), a cultural association for the defence of traditional Hinduism,

organised numerous demonstrations against the Hindu Code Bill. Rajendra Prasad, then President of India, argued that the proposal for reform should first be included in the party's election manifesto and placed before the voters before any discussion in parliament. Some opinions within the Congress party expressed apprehension at alienating the propertied classes prior to the general elections. Subsequently, the elected parliament again took the Bill up in 1952, but broke it down into three specialised Bills.

In various speeches during this period, Ambedkar highlighted the importance of the Bill for women's freedom.

In 1952, for instance, at a meeting organised by the Belgaum district branch of Scheduled Caste Federation in Kolhapur, he claimed: 'On wealth depends independence and a woman must be very particular to retain her wealth and rights, to help retain her freedom.' A decade earlier, addressing the second session of the All-India Depressed Classes Women's Conference in Nagpur, he had advised:

> Give education to your children. Instill ambition in them.… Don't be in a hurry to marry: marriage is a liability. You should not impose it upon your children unless financially they are able to meet the liabilities arising from them. … Above all let each girl who marries stand up to her husband, claim to be her husband's friend and equal, and refuse to be his slave.

It is clear that within the Ambedkarite women's organisations the issue of equal rights for women in the private sphere was gathering momentum. The All-India Depressed Classes Women's Conference passed several important resolutions among which were a divorce law and another against polygamy. However, as a disconcerted Ambedkar commented at a 1952 meeting in Kolhapur, prominent women leaders were not interested in promoting the Bill and consequently in social progress. In a lighter vein, he added that if

women wanted the Hindu Code Bill to be passed, they would have to find two overweight women prepared to go on fast.

Although Nehru initially declared his government would resign were the Bill opposed, tabling it was nonetheless repeatedly delayed. Finally, impelled by Ambedkar, the Bill was introduced on 17 September 1951, but only after it was split into four parts to diffuse opposition. In a statement appending his resignation as Law Minister, Ambedkar refers to the Hindu Code Bill as the issue that led him to resign. He explains that the reason he continued in office, despite being 'traumatised' by the machinations of the Prime Minister and the Congress party whip, Satyendra Narayan Sinha, an open opponent of the Bill, had to do with the potential of the Hindu Code Bill. For Ambedkar, it was the greatest reform measure passed by the legislature.

Interestingly enough, for Ambedkar, the Bill was 'neither a revolutionary measure nor a radical measure'.

Yet, intense opposition came from all quarters. For one, the President threatened to stall the Bill's passage into law. Hindu *sadhus* laid siege to parliament. Business houses and landowners warned a withdrawal of support in imminent elections. We may therefore conclude that Hindu Code Bill posed the imminent threat of women gaining access and control over resources and property, the possibility of removal of restrictions of caste in marriage and adoption, and the dawn of the right to divorce. All this seemed to intimidate the structural links between caste, kinship and property that form the very core of Brahmanical patriarchy.

In theory, the Hindu Code Bill opened up the possibility of mixed marriages, dissolving upper caste male control over divorce and polygamy, and inheritance and guardianship. The Bill promised to give all women greater space to negotiate, transact, defy, and rework the norms of Brahmanical patriarchy. Men subordinated in the caste hierarchy could in principle disrupt the gendered boundaries of caste while the privileged caste men's dispensation of polygamy stood challenged. In sum, responses to the Bill are best framed by the potential the Bill held for disrupting established caste and patriarchal controls over processes of production and reproduction. Latent in the Bill is a threat to the ascending scale of social

validity for male promiscuity and descending scale of sexual vulnerability for women in the Brahmanical order.

Explaining his resignation, Ambedkar wrote: ‘To leave inequality between class and class, between sex and sex which is the soul of Hindu society untouched and to go on passing legislation relating to economic problems is to make a farce of our Constitution and to build a palace on dung heap. This is the significance I attached to the Hindu Code.’

We may recall here the sexual contract described by feminist political theorist Carol Pateman as intrinsic to the very existence of a democratic social contract and for securing men’s authority over women. The sexual contract binds men in ways excluding women from the democratic contract.

Further, according to feminist historian V. Geetha, in Indian society a kinship contract is essentially a contract between male kin to manage the world outside the home and to keep women confined to certain spaces. Such a contract while offering women protection on the one hand arrogates all power to kinsmen on the other.

We could therefore see the unsung death of the Bill as a case of suspension of democratic social contract by the caste-mediated kinship contract.

In this setting, Ambedkar’s resignation—a protest against the suspension of the democratic social contract—becomes a landmark in the history of women’s rights in India. Ambedkar’s statements in parliament in defence of the Hindu Code Bill and his statement in explanation of his resignation from the cabinet need to be given their due recognition in the history of democratic struggles for women’s rights against the Brahmanical patriarchy of the state.

The Hindu Code Bill Hindu marriages validity bill

PANDIT THAKUR DAS BHARGAVA (East Punjab: General): Sir, I beg to move for leave to introduce a Bill to provide that marriages between Hindus, Sikhs, Jains and their different castes and sub-castes are valid.

Mr Speaker: The question is:

That leave be granted to introduce a Bill to provide that marriages between Hindus, Sikhs, Jains and their different castes and sub-castes are valid.

The motion was adopted.

Pandit Thakur Das Bhargava: Sir, I introduce the Bill.

HINDU CODE

Honourable Dr B.R. Ambedkar

(Minister for Law): I beg to move:

That the Bill to amend and codify certain branches of the Hindu Law, be referred to a Select Committee consisting of Shri Alladi Krishnaswami Ayyar, Dr Bakshi Tek Chand, Shri M. Ananthasayanam Ayyangar, Shrimati G. Durgabai, Shri L. Krishnaswami Bharathi, Shri U. Srinivasa Mallayya, Shri Mihir Lal Chattopadhyay, Dr P.S. Deshmukh, Shrimati Renuka Ray, Dr P.K. Sen, Babu Ramnarayan Singh, Shri Kishorimohan Tripathi, Shrimati Ammu Swaminathan, Pandit Balkrishna Sharma, Shri Khursheed Lal, Shri Brajeshwar Prasad, Shri B. Shiva Rao, Shri Baldeo Swarup, Shri V.C. Kesava Rao and the Mover, with instructions to report not later than the last day of the first week of the next session of the Assembly and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

Sir, it is a matter of great pity and also of great regret both for myself and I believe also for the members of the House that so important a measure as the codification of Hindu Law should have come for discussion before the House almost at the fag end of the session. We have, according to the arrangement announced by the Honourable Speaker this morning, to conclude the debate on this motion by 7 o'clock from now, with an interval of half an hour. I think it my duty that within the limitations in which we are placed I should give more time to Members of the Legislature to express their views on the various points raised by this Bill and I should like to contribute my own mite to the fulfilment of this wish which I have expressed. The only way by which I could do it is to set an example by myself to make my opening speech as brief as I can possibly make. I regret it very much to have been required to come to that decision because this Bill is of such a vast character that if one were to expound it fully and thoroughly, and to explain its provisions as against the background of the existing Hindu Law, I have not the slightest doubt that such an effort would take not less than four or five hours. But that is impossible, and the House therefore, will forgive me if I confine myself to placing before it the most salient points which mark a departure from the existing law as we know it today.

Sir, this Bill, the aim of which is to codify the rules of Hindu Law which are scattered in innumerable decisions of the High Courts and of the Privy Council,

which form a bewildering motley to the common man and give rise to constant litigation, seeks to codify the law relating to seven different matters. Firstly, it seeks to codify the law relating to the rights of property of a deceased Hindu who has died intestate without making a will, both female and male. Secondly, it prescribes a somewhat altered form of the order of succession among the different heirs to the property of a deceased dying intestate. The next topic it deals with is the law of maintenance, marriage, divorce, adoption, minority and guardianship. The House will see what is the ambit and the periphery of this Bill. To begin with the question of inheritance. Under this head the Bill enacts a new principle, at least for certain parts of British India. As many members who are lawyers in this House will know, so far as inheritance is concerned, the Hindus are

governed by two different systems of law. One system is known as *Mitakshara* and the other is known as *Dayabhaga* .

The two systems have a fundamental difference. According to *Mitakshara* , the property of a Hindu is not his individual property. It is property which belongs to what is called a coparcenary,

which consists of father, son, grandson and great grandson. All these people have a birthright in that property and the property on the death of any one member of this coparcenary passes by what is called survivorship to the members who remain behind, and does not pass to the heirs of the deceased. The Hindu Code contained in this Bill adopts the *Dayabhaga* rule, under which the property is held by the heir as his personal property with an absolute right to dispose of it either by gift or by will or any other manner that he chooses.

That is one fundamental change which this Bill seeks to make. In other words, it universalises the law of inheritance by extending the *Dayabhaga* rule to the territory in which the rule of the *Mitakshara* now operates.

Coming to the question of the order of succession among the heirs, there is also fundamental difference of a general character between the rule of the *Mitakshara* and the rule of the *Dayabhaga* . Under the *Mitakshara* rule the agnates of a deceased are preferred to his cognates; under the *Dayabhaga* rule the basis of heirship is blood relationship to the deceased and not the relationship based on cognatic or agnatic relationship… That is one change that the Bill makes; in other words, here also it adopts the rule of the *Dayabhaga* in preference to the rule of the *Mitakshara* .

In addition to this general change in the order of succession to a deceased Hindu, the Bill also seeks to make four changes. One change is that the widow, the daughter, the widow of a pre-deceased son, all are given the same rank as the son in the matter of inheritance. In addition to that, the daughter also is given a share in her father’s property; her share is prescribed as half of that of the son. Here again, I should like to point out that the only new change which this Bill seeks to make, so far as the female heirs have already been recognised by the Hindu Women’s Right to Property Act of 1937. Therefore, so far as that part of the Bill is concerned,

there is really no change in the Bill at all; the Bill merely carries the provisions contained in the Act to which I have made reference.

The second change which the Bill makes so far as the female heirs are concerned is that the number of female heirs recognised now is much larger than under either the *Mitakshara* or the *Dayabhaga.*

The third change made by the Bill is this: that under the old law, whether the *Mitakshara* or the *Dayabhaga* , a discrimination was made among female heirs, as to whether a particular female was rich or poor in circumstances at the death of the testator, whether she was married or unmarried, or whether she was with issue or without issue. All these considerations which led to discrimination in the female heirs are now abolished by this Bill. A woman who has a right to inherit gets it by reason of the fact that she is declared to be an heir irrespective of any other considerations.

The last change that is made relates to the rule of inheritance in the *Dayabhaga* . Under the *Dayabhaga* the father succeeds before in preference to the mother; under the present Bill the position is altered so that the mother comes before the father.

So much for the order of succession of heirs to a deceased male Hindu. I now come to the provisions in the Bill which relates to intestate succession to females. As members of the House who are familiar with Hindu Law will know, under the existing law the property held by a Hindu female falls into two categories; one is called her *stridhan* ,

and other is called ‘woman’s property’. Taking first the question of *stridhan* , under the existing law *stridhan* falls into several categories; one category of *stridhan* has a different law of succession than another category and these rules are alike both as to *Mitakshara* as they are to the *Dayabhaga* . So far as *stridhan* is concerned the present Bill makes two changes. The one change it makes is that it consolidates the different categories of *stridhan* into one single category of property and lays down a uniform rule of succession; there is no variety of heirs to the *stridhan* in accordance with different categories of the *stridhan* —all *stridhan* is one and there is one rule of succession.

The second change which the Bill seeks to make with regard to the heirs is that the son also is now given a right to inherit the *stridhan* and he is given half the share which the daughter takes. Members will realise that in formulating this Bill and making changes in rules of succession, it is provided that while the daughter is getting half the share in the father's property, the son is also getting half the share in the mother's property so that in a certain sense the Bill seeks to maintain an equality of position between the son and the daughter.

Coming to the question of the 'woman's estate', as members of the House will know under the Hindu Law where a woman inherits property she gets only what is called a 'life estate'. She can enjoy the income of the property, but she cannot deal with the corpus of the property except for legal necessity; the property must pass after the death of the woman to the reversioners of her husband. The Bill, here again, introduces two changes. It converts this limited estate into an absolute estate just as the male when he inherits gets an absolute estate in the property that he inherits; and secondly, it abolishes the right of the reversioners to claim the property after the widow.

An important provision which is ancillary to the rights of women to inherit property contained in this Bill is a provision which relates to dowry. All members of the House know what a scandalous affair this dowry is; how, for instance, girls who bring enormous lot of property from their parents either by way of dowry or *stridhan* or gift are treated, nonetheless, with utter contempt, tyranny and oppression. The Bill provides in my judgement one of the most salutary provisions, namely, that this property which is given as dowry to a girl on the occasion of her marriage shall be treated as a trust property, the use of which will inure to the woman and she is entitled to claim that property when she comes to the age of eighteen, so that neither her husband nor the relations of her husband will have any interest in that property; nor will they have any opportunity to waste that property and make her helpless for the rest of her life.

Coming to the provisions relating to maintenance, there is mostly nothing new in this part of the Bill. The Bill prescribes that the dependants of a deceased shall be entitled to claim maintenance from those who inherit his

property either under the rules of intestate succession or who inherit the property under his Bill. I believe, at least speaking for myself, it is an unfortunate thing that even a concubine is included in the category of dependants, but there it is; it is a matter for consideration. The liability to maintenance is cast upon those who take the estate of the deceased. As I said, there is nothing very new in this part of the Bill.

There is another part of the Bill which is important and it relates to the rights of a wife to claim separate maintenance when she lives separate from her husband. Generally, under the provision of Hindu Law, a wife is not entitled to claim maintenance from her husband if she does not live with him in his house. The Bill, however, recognises that there are undoubtedly circumstances where if the wife has lived away from the husband, it must be for causes beyond her control and it would be wrong not to recongise the causes and not to give her separate maintenance. Consequently the Bill provides that a wife shall be entitled to claim separate maintenance from her husband if he is (1) suffering from a loathsome disease, (2) if he keeps a concubine, (3) if he is guilty of cruelty, (4) if he has abandoned her for two years. (5) if he has converted to another religion and (6) any other cause justifying her living separately.

The next topic to which I wish to make a reference concerns the question of marriage. The Code recognises two forms of marriages. One is called ‘sacramental’ marriage and the other is called ‘civil’ marriage. As members will know, this is a departure from the existing law. The existing Hindu Law recognises only what is called ‘sacramental’ marriage, but it does not recognise what we call a ‘civil’ marriage. When one considers the conditions for a valid sacramental marriage and a valid registered marriage, under the Code there is really very little difference between the two. There are five conditions for a sacramental marriage. Firstly, the bridegroom must be eighteen years old, and the bride must be fourteen years old. Secondly, neither party must have a spouse living at the time of marriage. Thirdly, parties must not be within prohibited degree of relationship. Fourthly, parties must not be *sapindas*

of each other. Fifthly, neither must be an idiot or a lunatic. Except for the fact that similarity of sapinda-ship is not a bar to a registered marriage, so

far as other conditions are concerned, there is no difference between the sacramental marriage and the civil marriage. The only other difference is that the registered marriage must be registered in accordance with the provisions in the Bill while a sacramental marriage may be registered if parties desire to do so. Comparing the rules of marriage contained in the Bill and the existing law, it may be noticed that there are three differences which the Bill makes. One is this, that while the existing law requires identity of caste and sub-caste for a valid sacramental marriage, the Bill dispenses with this condition. Marriage under the Bill will be valid irrespective of the caste or sub-caste of the parties entering into the marriage.

Pandit Thakur Das Bhargava (East Punjab: General): If the marriage is between persons belonging to different castes, will it be valid?

The Honourable Dr B.R. Ambedkar: Let me proceed with my speech. If the Honourable Member puts the question while making his speech I shall reply to it.

The second provision in this Bill is that identity of *gotrapravara*

is not bar to a marriage while it is under the existing law. The third distinctive feature is this, that under the old law, polygamy was permissible. Under the new law it is monogamy which is prescribed. The sacramental marriage was a marriage which was indissoluble. There could be no divorce. The present Bill makes a new departure by introducing into the law provisions for the dissolution of marriage. Any party which marries under the new code has three remedies to get out of the contract of marriage. One is to have the marriage declared null and void; secondly, to have the marriage declared invalid; and thirdly, to have it dissolved. Now, the grounds for declaring a marriage null and void are two. One, if one party to the marriage had a spouse living at the time of marriage, then such a marriage will be null and void. Secondly, if the relationship of the parties fell within what is called the ambit of prohibited degrees, the marriage could be declared null and void. The grounds for invalidation of the marriage are four. First, impotency. Second, parties being *sapinda* . Third, parties being either idiotic or lunatic. Fourth, guardian’s consent obtained by force or fraud. In order not to keep the sword of dissolution hanging on

the head, the Bill, in my judgement very wisely, has provided a limit to an action for invalidation. It provides that a suit for the invalidation of marriage must be filed within three years from the date of the marriage; otherwise the suit will be barred and the marriage will continue as though there was no ground for invalidity. The bill also provides that even though the marriage may be invalidated and may be declared invalid by a court of law, the invalidation of marriage will not affect the legitimacy of the children born and they would continue to be legitimate just the same.

Then coming to the question of divorce, there are seven grounds on which divorce could be obtained. (1) desertion, (2) conversion to another religion, (3) keeping a concubine or becoming a concubine, (4) incurably unsound mind, (5) virulent and incurable form of leprosy, (6) venereal diseases in communicable form and (7) cruelty.

Coming to the question of adoption, there again, most of the rules embodied in the Bill are in no way different from the rules obtaining under the present law. There are two new provisions in this part dealing with adoption. Firstly, under the Code, it will be necessary for the husband if he wants to make an adoption to obtain the consent of his wife, and if there are more than one, at least the consent of one of them. Secondly, it also lays down that if the widow wants to adopt, she can only adopt if there are positive instructions left by the husband authorising her to adopt; and in order to prevent litigation as to whether the husband has, as a matter of fact, left instructions to his wife, the code provides that the evidence of such instructions shall be either by registered deed or by a provision in the will. No oral evidence would be admissible, so that chances of litigation are considerably mitigated. The Code also provides that the adoption may also be evidenced by registration. One of the most fruitful sources of litigation in this country is the question of adoption. All sorts of oral evidence is manufactured, concocted; witnesses are suborned; widows are fooled; they one day declare that they have made one adoption and subsequently they make an avowal that they have not adopted and in order that all this litigation may be put a stop to. The Code makes a salutary provision that there may be registration of adoption by a Hindu.

Then there is the question of minority and guardianship, the last subject which the Bill seeks to codify. There is nothing new in this part of the Code and, therefore, I do not propose to say anything so far as this part in the Bill is concerned.

As members will realise, the points which arise out of this Bill for consideration and which are new are these: First, the abolition of birthright and to take property by survivorship. The second point that arises for consideration is the giving of half-share to the daughter. Thirdly, the conversion of the women's limited estate into an absolute estate. Fourthly, the abolition of caste in the matter of marriage and adoption. Fifthly, the principle of monogamy, and sixthly the principle of divorce. I have sought to enumerate these points separately and categorically because I felt that in view of the limited time we have at our disposal, it would be of help to the members of this House if I could point out what are the points of debate on which attention may be concentrated. These departures which are made in this Bill undoubtedly require justification, but I think it would be a waste of time if I at this stage undertook any defence of the departures enacted by this Bill. I propose to hear Honourable Members as to what they have to say on the points which I have enumerated and if I find that it is necessary for me to enter upon a justification; I propose to do so in the course of my reply. Sir, I move.

Mr Chairman : Motion moved:

> 'That the Bill to amend and codify certain branches of the Hindu Law, be referred to a Select Committee consisting of Shri Alladi Krishnaswami Ayyar. Dr Bakshi Tek Chand, Shri M. Ananthasayanam Ayyangar, Shrimati G. Durgabai, Shri L. Krishnaswami Bharathi, Shri U. Srinivasa Mallayya, Shri Mihir Lal Chattopadhyay, Dr P.S. Deshmukh, Shrimati Renuka Ray, Dr P.K. Sen, Babu Ramnarayan Singh, Shri Kishorimohan Tripathi, Shrimati Ammu Swaminathan, Pandit Balkrishna Sharma, Shri Khursheed Lal, Shri Brajeshwar Prasad, Shri B. Shiva Rao, Shri Baldeo Swarup, Shri V.C. Kesava Rao and the Mover, with instruction to report not later than the last day of the first week of the next session of the Assembly and that the number

of members whose presence shall be necessary to constitute a meeting of the committee shall be five.'

‘I Belong to the Other Caste’

THE HONOURABLE DR B.R. AMBEDKAR: Sir, in the ordinary course a speech of the sort which I have made is generally regarded not only appropriate but sufficient for the occasion. But it would be futile on my part to disguise the fact that there is a section—if not a large section—in the House which feels a certain amount of compunction over certain part of the Bill. Neither can I disguise from myself the fact that outside the House there are many people who are not only interested in the Bill but, if I may say so, very deeply concerned about it. I therefore think that it is only right, if you will permit me, to add a few general observations with regard to the points of controversy which I have noticed in several newspapers which I have been perusing ever since the Bill has been on the anvil. I will take this matter also part by part and section by section. I will deal only with what I regard have been considered as points of controversy. Let me take marriage and divorce. Here I find that there are three points of controversy. The first point of controversy is abolition of castes as a necessary requirement for a valid marriage; the second point of controversy is the prescription of monogamy; and the third point of controversy is permission for divorce.

I will take the first point of controversy, namely abolition of caste restrictions. So far as this Bill is concerned, what it does is to arrive at a sort of compromise between the new and the old. The Bill says that if a member of a Hindu community wants to follow the orthodox system which requires that a marriage shall not be valid unless the bride and bridegroom belong to the same varna, the same caste or the same sub-caste, there is nothing in this Code which can prevent him from giving effect to his wishes or giving effect to what he regards as his *dharma* . In the same way if one Hindu who is a reformist and who does not believe in varna, caste or sub-caste, chooses to marry a girl outside his varna, outside his caste, outside his sub-caste, the law regards his marriage also as valid. So far as the marriage law is concerned there is therefore no kind of imposition at all. The *vydhikas* , the orthodox, are left free to do what they think is right according to their dharma. The reformers who do not follow *dharma* but who follow reason,

who follow conscience, have also been left to follow their reason and their conscience.

Shri Mahavir Tyagi (U.P.: General): Are they permitted to marry outside their religion also if their conscience directs them in that manner?

The Honourable Dr B.R. Ambedkar: Well, we will have another Bill for that. I do not know whether my honourable friend Mr Tyagi is unmarried. If he is I will hurry it up.

Shri Mahavir Tyagi: I want to make way for others.

The Honourable Dr B.R. Ambedkar: Consequently, what will happen in Hindu society so far as marriage law is concerned is there will be a competition between the old and the new. And we hope that those who are following the new path will win subsequently. But, as I say, if they do not, we are quite content to allow two parallel systems of marriage to be operative in this country and anyone may make his choice. There is no violation of a *shastra* , no violation of a *smriti* at all.

With regard to monogamy it may be that it is a new innovation. But I must point out that I do think that any member in this House will be able to point out having regard to customary law or having regard to our *shastras* that a Hindu husband had at all times an unfettered, unqualified right to polygamy. That was never the case. Even today, in certain parts of South India there are people who follow this, a section of the Nattukottai Chettiyars—the case has been reported in the Reports of the Privy Council itself, I am not depending on mere hearsay evidence—but among the Nattukottai Chettiyars

there is a custom that a husband cannot marry a second wife unless he obtains the consent of his wife. Secondly, when consent is obtained, he must allot to her certain property which I think in the Tamil language is called *moppu* . That property becomes her absolute property so that if after her consent the husband marries and ill-treats her, she has a certain amount of economic competence in her own hands to lead an independent life. I cite that as an illustration to show that there has not been an unqualified right to polygamy.

A second illustration which I would like to give would be from the *Arthashastra* of Kautilya.

I do not know how many members of the House have perused that book. I suppose many of them have. If they have, they will realise that the right to marry a second wife has been considerably limited by Kautilya. In the first place, no man can marry for the first ten or twelve years because he must be satisfied that the woman is not capable of producing children. That was one limitation. The second limitation imposed by Kautilya on the right of second marriage was that the husband was to return to the woman all the *stridhan* that she had acquired at the time of marriage. It is only under these two conditions that Kautilya's *Arthashastra* permitted a Hindu husband to marry a second time.

Thirdly, in our own country, in the legislation that has been passed in various provinces, monogamy has been prescribed. For instance in the *marumakkathayam* and the *aliyasanthanam*

law both of them prescribe monogamy as a rule of marital life. Similarly, with regard to the recent legislation that has been passed in Bombay or in Madras. Similarly in Baroda, the law is the law of monogamy.

I hope the House will see from the instances I have given that we are not making any very radical or revolutionary change. We have precedent for what we are doing, both in the laws that have been passed by various states in India, also in the ancient *shastras* such as Kautilya's *Arthashastra* . If I may go further, we have got the precedent of the whole world which recognises monogamy as the most salutary principle so far as marital relations are concerned.

Shri Deshbandhu Gupta (Delhi): What about the Muhammedan Law?

The Honourable Dr B.R. Ambedkar: We shall come to Muhammedan Law when we discuss the Muhammedan Law.

Coming to the question of divorce, there again I should like to submit to the House that this is in no way an innovation. Everybody in this House knows that communities which are called Shudra have customary divorce. And

what is the total population of what we call Shudra? Nobody has ever probably made any calculation as to the total number of Shudras who go to compose Hindu society, but I have not the slightest doubt in my mind that the Shudras form practically 90 percent of the total population of the Hindus. What are called the 'regenerated' classes probably do not fill more than ten percent. What I may ask of Honourable Members is this: are you going to have the law of the 90 percent of the people as the general law of this country, or are you going to have the law of the 10 percent of the people being imposed upon the 90 percent? That is a simple question which every member must answer and can answer.

So far as the 'regenerated' classes are concerned there was a time, if one refers for instance to the time when the*Narada Smriti* or the *Parashara Smriti* were written, when the *smritis* recognised that a woman can divorce her husband when he has abandoned her, when he died, when he has taken *parivraja*,

and she was entitled to have a second husband. Consequently, it may be that at a later stage I shall read to you some extracts from your *shastras* to show. (*An honourable member:* "Your *shastras.* ") Yes, because I belong to the other caste.

I shall read the extracts to show that what has happened in this country is that somehow, unfortunately, unnoticed, unconsciously, custom has been allowed to trample upon the text of the *shastras* which were all in favour of the right sort of marital relations. My submission, therefore, to the House is that so far as any new principles have been introduced in the law of marriage or divorce, whatever has been done is both just and reasonable, and supported by precedent not only of our *shastras* but the experience of the world as a whole.

With regard to adoption, there are again three points of controversy. One point of controversy with regard to adoption is this: that like the old Hindu Law we do not make similarity or identity of caste a requisite for a valid adoption. We follow the same rule that we have followed with regard to marriage. Here again, I may say that if a Brahman wants to adopt a Brahman boy, he is free to do so. If a Kayasth wants to adopt a Kayasth boy, he is free to do so. If a Shudra wants to adopt a boy of his own

community he is free to do so. If a Brahman is so enlightened as not to adopt a boy belonging to his own community but adopts a Shudra, he is also permitted to do so. There is therefore no kind of imposition.

Seth Govind Das (C.P. and Berar: General): Why do you consider such a Brahman enlightened?

The Honourable Dr B.R. Ambedkar: Well, I do not know. From my point of view certainly he is enlightened; from your point of view he may be a very dark man, but that is a difference of opinion.

With regard to the question of the limitation on the right of an adopted son to challenge all alienations made by the widow before adoption, I do not think that there can be any controversy at all. There is no reason why we should continue the notion that a boy when adopted becomes the son of the adopted father right from the time when the adopted father died. This is a pure fiction. It has no value at all. It is not merely a fiction; it is a fiction which gives rise to tremendous litigation and tremendous difficulties. It is therefore right that the adoption should be simultaneous with the vesting of the property. I do not think any member of the House will think that this is a proposition which we ought not to accept at this stage. (*Shri B. Das:* "We all accept.")

Similarly, as I have stated, the limitation upon the right of a boy who is adopted to divest the mother completely and to make her nothing more than a dependant waiting for such maintenance as the adopted boy may give, I do not think that there is any member of the House who will think that such a situation can be justified on any ground whatsoever. I think it is right that we preserve that right of adoption which the orthodox community cherishes so much, but, Sir, I do not understand why there should be adoption. Most of us who make adoptions have no name to be recorded in history. Personally, I myself certainly would not like my name to go down in history, because my record is probably very poor. I am an unusual member of the Hindu community. But there are many who have no records to go down and I do not understand why they should indulge in adopting a son—a stupid boy, uneducated, without any character—not knowing his possibilities and fastening him and fathering him upon a poor woman, whom he can deprive of every property that she possessed. Therefore, my

submission is this, that if you do want to cherish your old notions with regard to adoption at any rate make this provision that the adopted boy does not altogether deprive the mother of the property which is her mainstay. I do not think that that limitation can be at all a point of controversy.

With regard to the question of the abolition of customary adoption, I would like to say two things. There is a general argument which the House will be able to appreciate. It is this. A Code is inconsistent with customary law. That is a fundamental proposition. If you allow a Code to remain and at the same time permit custom to grow and custom to plead against the Code, there is no purpose in having a Code at all, because a custom can always eat into the Code and make the Code null and void. With regard to this particular matter of customary adoption such as *Kritrima* adoption, *Godha* adoption and *Dwaimushayan* adoption,

my submission is this, that these are really not adoption at all. As the Privy Council in one of its rulings has definitely stated, adoption is purely a religious affair. The getting of property by the adopted son is a secondary matter. He may get property, he may not get property, and even though he may not get property his adoption from a religious point of view may be valid. Therefore, my submission is this, that all these customary adoptions are nothing else but devices to keep property within the two families which enter into this bargain, and in my judgement, since we have passed the Constitution, and included in the Directive Principles one article saying that the State should take steps not to allow property being concentrated in the hands of one or a few, such devices like the *Dwaimushayan* where two parties merely agree to share the property and keep it with them ought not to be tolerated. Besides, there is no reason why parties who want to make a genuine adoption should not conform to the rules and regulations regarding the *Dattaka*

adoption which is permitted by the law.

….

Now, I come to women's property. I do not know how many members of this house are familiar with the intricacies of this subject. So far as I have been able to study this subject, I do not think that there is any subject in the

Hindu Law which is so complicated, so intricate as women's property (*An Honourable Member:* "As the woman herself.") If you ask the question, what is *stridhan* , before answering that question, you have to ask another question and find an answer for it. You must first of all ask, 'is she a maiden' or 'is she a married woman'? Because what property is *stridhan* and what property is not *stridhan* depends upon the status of the woman. Certain property is *stridhanam* if she has obtained it while she is a maiden; certain property is not *stridhan* if she has obtained it after marriage. Consequently, if you ask the question what is the line of inheritance to the *stridhan* , you have again to ask the question whether the *stridhan* belongs to a maiden or the *stridhan* belongs to a married woman. Because, the line of succession to the *stridhan* of a maiden is quite different from the line of succession to the *stridhan* belonging to a married woman. When you come to the question of succession to married woman's property, you have again to ask the question, does she belong to the Bengal School or does she belong to the *Mitakshara* School. If you ask the question whether she belongs to the *Mitakshara* School, you will never be able to find a definite answer unless you probe further and ask whether she belongs to the Mithila School or the Benares School or some other school. This is a most complicated subject. At the same time, I should like Honourable Members to bear two things in mind. One is this: so far as woman's property is concerned, generally speaking, it falls into two categories. One category is called her *stridhan* and the other is called widow's property. The latter property is property which she inherits from a male member of her family, and, according to the existing law, property which she owns only during her lifetime and subsequently that property passes to the reversioners of the male heir. That is the position.

Therefore, so far as woman's property is concerned, we have two different sorts of inheritance and two different sets of property, *stridhan* property and widow's property. The heirs to *stridhan* property are quite different and distinct from the heirs to the property she inherits from a male member. The question, therefore, we have to consider in codifying this particular branch of the Hindu Law is this. Are you going to maintain the two principal divisions which exist at present, namely, *stridhan* property and widow's property? Secondly, are you going to maintain the double line of succession; one line of succession for the *stridhan* property and another line

of succession for widow's property? These are the two principal questions which arise when one begins to codify this law. The committee came to the conclusion that so far as codification was concerned, its purpose would be defeated if we allow the present chaos to continue. We must either decide that a woman will not be entitled to have absolute property or we must decide that a woman should have absolute property. We must also decide what should be the line of heirs for a woman: whether they should be uniform or they should be different. The committee came to the conclusion that so far as right to property is concerned, there should be uniformity and uniformity should recognise that the woman has absolute property.

I know a great deal of the argument that is always urged against women getting absolute property. It is said that they are always subject to the influence of all sorts of people, and consequently it would be very dangerous to leave women in the world subject to the influences of all sorts of wily men who may influence them in one way or another to dispose of property both to the detriment of themselves as well as to the detriment of the family from which they have inherited the family property. The view that the committee has taken is a very simple one. In certain matters or certain kinds of property which is called *stridhan* property the *smritis* are prepared to invest women with absolute right. There can be no question at all that a woman has an absolute right over her *stridhan* property. She can dispose of it in any way she likes. My submission to the House is this. If the women can be trusted to dispose of her *stridhan* property in the best way she likes, and nobody has ever raised an argument for the obliteration of that rule of *Mitakshara* , the burden of proof lies upon the opponents, who say that the other part of the property, namely, widow's estate, which the woman has inherited, should not become her absolute property. It is they who must prove that while women are competent to dispose of a certain part of the property which they possess, they are not competent to dispose of a certain other part. The committee, on a very careful examination, failed to find a satisfactory solution of this dilemma. The committee, in my judgement, very rightly, came to the conclusion that if in certain cases women were competent and intelligent to sell and dispose of their property, they must be held to be competent in respect of the disposal of the other property also. That is the reason why the committee have made this rule that women should now posses absolute property.

The other question that arises on this issue, namely women's property, is the share of the daughter. I know it would be a very great understatement to say that this is a ticklish question; it is a very anxious question. There are many people in this world, in India today, both orthodox and unorthodox who cannot help producing daughters; they do. I do not know what would happen to this world if daughters were not born. At the same time, they do not want to extend to the daughter the same love and affection which a parent is bound to extend both to the male and female issue. But I am not going to use any such high level of argument in favour of the proposition which has been enunciated by the Select Committee; I am going to speak on a much lower tone. The first thing that I would like to address myself to this house is this. The inclusion of the daughter among the heirs is not an innovation which is made by this committee. Honourable Members who are familiar with the law of inheritance as it prevails both under the *Mitakshara* and *Dayabhaga* , I am sure, will admit that the daughter is included by both of them under what is called the compact series. As members will know, Hindu heirs are divided into several categories. The first category is called compact series. After that, there is a series of heirs spoken of as s *apindas* , then comes *samanodakas* .

After that comes the *bandhus* . *Bandhus* are divided into three categories: *atma bandhus* , *pitru bandhus* and *matru bandhus* .

The compact series is really a special class of heirs which does not conform strictly to the basic principles of heirship surrounded round *gotraja* , *samanodaka* and *bandhus* , because it is a mixed category. It is a category which is based on double foundation. It is based on propinquity; it is also based on religious efficacy. They do not conform to any of the criteria which have been laid down for determining the categories of s *apindas* .

If you take both the laws, the *Mitakshara* as well as *Dayabhaga* , you will see that the daughter is included within the category known as compact series. The only distinction between the *Mitakshara* and the *Dayabhaga* is this. According to the *Dayabhaga* the necessary element in heirship is the capacity to offer oblation. Consequently the *Dayabhaga* makes a rule between a daughter who is unmarried, a daughter who is married, a daughter who is married but has a son, and a daughter who is a widow.

They give preference to a daughter who is married and has a son. Next to that they give preference to a daughter who is married. The unmarried daughter comes third. But it is within that category, the reason being that a daughter who is married and has a son is already there to offer oblation, because her son can offer oblation. A daughter who is unmarried has no son, therefore his possibility of offering an oblation does not exist. That is why she has been kept down. But the point I want to emphasise, and which I want the House to bear in mind, is that there is no innovation as such in the inclusion of the daughter in the category of compact series. She has always been there both according to the *Mitakshara* and according to the *Dayabhaga* . The only innovation which the Bill seeks to make is to raise the status of the daughter. Under the Bill she becomes a simultaneous heir, along with the son, the widow, the widow of the predeceased son, son of a predeceased son of a predeceased son, widow of predeceased son of a predeceased son.

The point is this that originally, and particularly according to the *Mitakshara* law, no female was entitled to any kind of share at all. This law was changed in the year 1937 whereby the widow of the deceased, the widow of the predeceased son and of his grandson and great-grandson—they were all made simultaneous heirs along with the son. The only omission that was made was in respect of the daughter. The government at that time was not prepared to lend its support to put the daughter on the same level as the widow and the widows of the predeceased son and the predeceased son's son. This is therefore the only innovation that the Bill makes. It merely raises it up in the order of heirs. It is not that for the first time she has been made an heir.

Now I come to the question of her share. As the Rau Committee

has pointed out, and as many of the witnesses who know the *shastras* have pointed out, that it is impossible to deny the fact that the daughter according to the *smritis* was a simultaneous heir along with the son and that she was entitled to one-fourth share of her father's property. That has been accepted as a text from the Yagnavalkya and also from Manu. I once counted 137 *smritis* and I do not know why our ancient Brahmans were so occupied in writing *smritis* and why they did not spend their time doing something else

—it is impossible to say, assuming that that occupation was a paramount occupation of the day. There is no doubt that the two Smritikaras whom I have mentioned, Yagnavalkya

and Manu, rank the highest among the 137 who had tried their hands in framing *smritis* . Both of them have stated that the daughter is entitled to one-fourth share. It is a pity that somehow for some reason custom has destroyed the efficacy of that text: otherwise, the daughter would have been, on the basis of our own *smritis* , entitled to get one-fourth share. I am very sorry for the ruling which the Privy Council gave. It blocked the way for the improvement of our law. The Privy Council in an earlier case said that custom will override law, with the result that it became quite impossible to our judiciary to examine our ancient codes and to find out what laws were laid down by our Rishis and by our Smritikaras. I have not the least doubt about it that if the Privy Council had not given that decision, that custom will override text, some lawyer, some judge would have found it quite possible to unearth this text of Yagnavalkya and *Manusmriti* , and women today would have been enjoying, if not more, at least one-fourth of the share of their property.

The original Bill had raised the share of the daughter to one-half. My Select Committee went a step further and made her share full and equal to that of the son.

I am not entitled to disclose what happened at the Select Committee and how this provision came to be made. I am perfectly…

Shrimati Renuka Ray (West Bengal: General): Unanimously!

Mr Deputy Speaker : Was it a compromise between twice the share of a son claimed and half the share provided in the Bill?

The Honourable Dr B.R. Ambedkar : It was not a compromise. My enemies combined with my enthusiastic supporters and my enemies thought that they might damn the Bill by making it appear worse than it was.

Shri H.V. Kamath : Have you any enemies?

The Honourable Dr B.R. Ambedkar : However, this is the position, namely, so far as daughter's share is concerned, the only innovation that we are making is that her share is increased and that we bring her in the line with the son or the widow. That also, as I say, would not be an innovation if you accept my view that in doing this we are merely going back to the text of the *smritis* which you all respect.

I might also say that in discussing this question about the share of the daughter, myself, and the members of the Law Department examined every system of inheritance. We examined the Muslim system of inheritance; we examined the Parsi system of inheritance; we examined also the Indian Succession Act and the line of succession that had been laid down, and we also examined the British system of inheritance, and nowhere could we find any case where a daughter was excluded from a share. There is no system anywhere in the world where a daughter has been excluded.

Now, Sir, one question has been brought forth constantly—that the giving of the share to the daughter means disruption of the family. I must frankly confess that I cannot appreciate the force of that argument. If a man has twelve sons and one daughter, and if the twelve sons on the day of the death of the father immediately decide on partition and obtain a twelfth of the total property of the father, is the partition going to be much more worse, if there was a daughter, the thirteenth, who also demanded a share?

Twelve share or twelve fragments is not a better situation than thirteen fragments. If you want to prevent fragmentation we shall have to do something else, not by the law of inheritance but by some other law, whereby property shall not be fragmented so as to become less useful from a national point of view for purposes of national production.

Shri T.A. Ramalingam Chettiar (Madras: General): Is the Hindu Code applied to agricultural land?

The Honourable Dr B.R. Ambedkar : It is not. I am saying generally. I think I have, so far as I know, exhausted what I have to say on the various points of controversy which I had seen raised both by members of this House as well as by the members of the public. I hope that the clarification which I have given on the various points will allay the fears of members

who are not well disposed towards this measure. They will realise that this is in no sense a revolutionary measure. I say that this is not even a radical measure and I should like to draw the attention of the members of this House to one important fact, namely the constitution and composition of the Rau Committee. There were four members of that committee but I should like to point out that two of them who have signed the report are far from radical members of the Hindu community. My friend Mr Gharpure,

whom I have known for a long number of years, is one of the most conservative members I know…

Shri H.V. Kamath : Politically or socially?

The Honourable Dr B.R. Ambedkar : Politically, and socially also. In fact I have no hesitation in saying that he may on certain occasions find it very difficult to touch me even with a barge pole. He is so conservative. My friend Mr T.R. Venkatarama Sastri

is no doubt a liberal but he is certainly not a radical so far as I know. If these people, conservative in their attitude, have signed the report I think we can take it for granted that the measure to which they have put their signature could not be revolutionary and certainly could not be destructive of the foundations of Hindu society. So far as I am concerned I am a very conservative person: Although some people may not accept that fact, I am indeed very conservative.

All I say is that I am a progressive conservative and I should like to tell the House one important fact which I think every one of us must bear in mind, particularly the conservative members of this House. The great political philosopher Edmund Burke, who wrote a big book against the French Revolution because of its radicalism and revolutionism,

did not forget to tell his own countrymen who were very conservative, one very important truth. He said that those who want to conserve must be ready to repair and all I am asking of this house is this: that if you want to maintain the Hindu system, Hindu culture, Hindu society, do not hesitate to repair where repair is necessary. This Bill asks for nothing more than

repairing those parts of the Hindu system which are almost become dilapidated.

Shri H.V. Kamath : Sir, on a point of reminder, the Honourable Dr Ambedkar promised some citations from the *smritis* . Will he keep his promise?

The Honourable Dr B.R. Ambedkar : I shall do so at the end. Fortunately for me I have secured a copy of Mr Dwarkanath Mitter's own book "Right of Hindu Women".

I was going to cite certain texts, which show that the rights which the Vedas had given to women were taken by the *smritis* in the meantime, and some other *smritis* tried to restore those rights. I shall cite them in the course of my speech.

Shri Deshbandhu Gupta : Could the Honourable Minister enlighten the House as to the evidence which was produced before the Select Committee?

The Honourable Dr B.R. Ambedkar : As Honourable Members know two bodies came to us and asked for evidence to be taken. The committee decided that their evidence be taken. One body came and one body sent in a written reply. That body was the Dharma Nirnaya Mandal.

In general they are absolutely in agreement with the provisions contained in the Bill. The other gentleman who came obviously was not.

On the Ewe of Resigning from the Cabinet

THE HOUSE, I AM SURE, knows unofficially, if not officially, that I have ceased to be a member of the cabinet. I tendered my resignation on Thursday, the 27th of September to the Prime Minister and asked him to relieve me immediately. The Prime Minister was good enough to accept the same on the very next day. If I have continued to be a minister after Friday, the 28th, it is because the Prime Minister had requested me to continue till the end of the session—a request to which I was, in obedience to constitutional convention, bound to assent.

Our rules of procedure permit a minister who has resigned his office to make a personal statement in explanation of his resignation. Many members of cabinet have resigned during my tenure of office. There has been, however, no uniform practice in the matter of ministers who have resigned making a statement. Some have gone without making a statement and others have gone after making a statement. For a few days, I was hesitant what course to follow. After taking all circumstances into consideration, I came to the conclusion that the making of a statement was not merely necessary, but it was a duty which a member who has resigned owes to the House.

The House has no opportunity to know how the cabinet works from within, whether there is harmony or whether there is a conflict for the simple reason that there is a joint responsibility under which a member, who is in a minority, is not entitled to disclose his differences. Consequently, the House continues to think that there is no conflict among members of cabinet even when, as a matter of fact, a conflict exists. It is therefore a duty of a retiring minister to make a statement informing the House why he wants to go and why he is not able to continue to take further joint responsibility.

Secondly, if a minister goes without making a statement people may suspect that there is something wrong with the conduct of the minister, either in his

public capacity or in his private capacity. No minister should, I think, leave any room for such suspicion and the only safe way out is a statement.

Thirdly, we have newspapers. They have their age-old bias in favour of some and prejudice against others. Their judgements are seldom based on merit. Wherever they find an empty space they are prone to fill the vacuum by supplying grounds for resignation which are not the real grounds but which put those whom they favour in better light and those not in their favour in a bad light. Some such thing, I see, has happened even in my case.

It is for these reasons that I decided to make a statement before going out.

It is now four years, one month and twenty-six days since I was called by the Prime Minister to accept the office of the Law Minister in his cabinet. The offer came as a great surprise to me. I was in the opposite camp and had already been condemned as unworthy of association when the Interim Government was formed in August, 1946. I was left to speculate as to what could have happened to bring about this change in the attitude of the Prime Minister. I had my doubts. I did not know how I could carry on with those who had never been my friends. I had doubts as to whether I could, as a Law Member, maintain the standard of legal knowledge and acumen which had been maintained by those who had preceded me as Law Ministers of the Government of India. But I kept my doubts at rest and accepted the offer of the Prime Minister on the ground that I should not deny my co-operation when it was asked for in the building up of our nation. The quality of my performance as a member of cabinet and as Law Minister, however, I must leave it to others to judge.

…

I will now refer to another matter that has made me dissatisfied with the government. It relates to the treatment accorded to the Backward Classes and the Scheduled Castes. I was very sorry that the Constitution did not embody any safeguards for the Backward Classes. It was left to be done by the Executive Government on the basis of the recommendation of a Commission to be appointed by the President. More than a year has elapsed since we passed the Constitution. But the government has not even thought of appointing the Commission.

The year 1946, during which I was out of office, was a year of great anxiety to me and to the leading members of the Scheduled Castes. The British had resiled from the commitments they had made in the matter of constitutional safeguards for the Scheduled Castes, and the Scheduled Castes had no knowing as to what the Constituent Assembly would do on their behalf. In this period of anxiety I had prepared a report on the condition of the Scheduled Castes for submission to the United Nations.

But I did not submit it. I felt that it would be better to wait until the Constituent Assembly and the future Parliament was given a chance to deal with the matter. The provisions made in the Constitution for safeguarding the position of the Scheduled Castes were not to my satisfaction. However, I accepted them for what they were worth hoping that the government will show some determination to make them effective.

What is the position of the Scheduled Castes today? So far as I see it is the same as before. The same old tyranny, the same old oppression, the same old discrimination which existed before exists now, and perhaps in a worst form. I can refer to hundreds of cases where people from the Scheduled Castes round about Delhi and adjoining places have come to me with their tales of woes against the caste Hindus and against the police who have refused to register their complaints and render them any help. I have been wondering whether there is any other parallel in the world to the condition of the Scheduled Castes in India. I cannot find any. And yet why is no relief granted to the Scheduled Castes? Compare the concern the government shows over safeguarding the Muslims. The Prime Minister's whole time and attention is devoted for the protection of the Muslims. I yield to none, not even to the Prime Minister, in my desire to give the Muslims of India the utmost protection wherever and whenever they stand in need of it. But what I want to know is, are Muslims the only people who need protection? Are the Scheduled Castes, the Scheduled Tribes and the Indian Christians not in need of protection? What concern has he shown for these communities which need far more care and attention than the Muslims?

I could not contain within myself the indignation I have felt over the neglect of the Scheduled Castes by the government and on one occasion I gave vent

to my feelings at a public meeting of the Scheduled Castes. A question was asked from the Hon'ble Home Minister

whether my charge that the Scheduled Castes had not benefited by the rule which guaranteed to them 12.5 percent representation was true. In answer to the question, the Hon'ble Home Minister was pleased to say that my charge was baseless. Subsequently for some reason, it may be for satisfying the qualms of his conscience, he, I am informed, sent round a circular to various departments of the Government of India asking them to report how many Scheduled Castes candidates had been recently recruited in government service. I am informed that most departments said in reply 'nil' or nearly nil. If my information is correct, I need make no commentary on the answer given by the Hon'ble Home Minister.

From my early childhood I have dedicated myself to the upliftment of the Scheduled Castes among whom I was born. It is not that there were no temptations in my way. If I had considered my own interests, I could have been anything I wanted to be and if I had joined the Congress I would have reached to the highest place in the organisation. But as I said, I had dedicated myself to the upliftment of the Scheduled Castes and I have followed the adage which says that it is better to be narrow-minded if you wish to be enthusiastic about a cause you wish to accomplish. You can, therefore, well imagine what pain it has caused me to see that the cause of the Scheduled Castes has been relegated to the limbo of nothing.

…

I will now refer to the fourth matter, which has a good deal to do with my resignation. The cabinet has become merely a recording and registration office of decisions already arrived at by committees. As I have said, the cabinet now works by committees. There is a Defence Committee. All important matters relating to Defence are disposed of by the Defence Committee. There is a Foreign Committee. All important matters relating to foreign affairs are dealt with by it. The same members of the cabinet are appointed by them. I am not a member of either of these committees. They work behind an iron curtain. Others who are not members have only to take joint responsibility without any opportunity of taking part in the shaping of policy. This is an impossible position.

I will now deal with a matter which has led me finally to come to the decision that I should resign. It is the treatment which was accorded to the Hindu Code Bill. The Bill was introduced in the House on the 11 April 1947. After a life of four years it was killed and died unwept and unsung after four clauses of it were passed. While it was before the House it lived by fits and starts. For a full one year the government did not feel it necessary to refer it to a Select Committee. It was referred to the Select Committee on 9 April 1948. The motion for the consideration of the report was made by me on 31 August 1948. It was merely for making the motion that the Bill was kept on the agenda. The discussion of the motion was not allowed to take place until the February session of the year 1949. Even then it was not allowed to have a continuous discussion. It was distributed over ten months—four days in February, one day in March and two days in April 1949. After this, one day was given to the Bill in December 1949, namely 19 December, on which day the House adopted my motion that the Bill as reported by the Select Committee be taken into consideration. No time was given to the Bill in the year 1950. Next, the Bill came before the House on 5 February 1951 when the clause-by-clause consideration of the Bill was taken. Only three days—5th, 6th and 7th of February—were given to the Bill and left there to rot.

This being the last session of the present parliament, cabinet had to consider whether the Hindu Code Bill should be got through before this parliament ended or whether it should be left over to the new parliament. The cabinet unanimously decided that it should be put through in this parliament. So the Bill was put on the agenda and was taken up on 17 September 1951 for further clause-by-clause consideration. As the discussion was going on the Prime Minister put forth a new proposal, namely that the Bill as a whole may not be got through within the time available and that it was desirable to get a part of it enacted into law rather than allow the whole of it to go to waste. It was a great wrench to me. But I agreed, for, as the proverb says ‘it is better to save a part when the whole is likely to be lost.’ The Prime Minister suggested that we should select the ‘Marriage and Divorce’ part. The Bill in its truncated form went on. After two or three days of discussion of the Bill, the Prime Minister came up with another proposal. This time, his proposal was to drop the whole Bill, even the ‘Marriage and Divorce’ portion. This came to me as a great shock—a bolt from the blue. I was

stunned and could not say anything. I am not prepared to accept that the dropping of this truncated Bill was due to want of time. I am sure that the truncated Bill was dropped because other and more powerful members of the cabinet wanted precedence for their Bills. I am unable to understand how the Benaras and Aligarh University Bills,

and how the Press Bill, could have been given precedence over the Hindu Code even in its attenuate form? It is not that there was no law on the Statute Book to govern the Aligarh University or the Benaras University. It is not that these universities would have gone to rack and ruin if the Bills had not been passed in this session. It is not that the Press Bill

was urgent. There is already a law on the Statute Book and the Bill could have waited. I got the impression that the Prime Minister, although sincere, had not the earnestness and determination required to get the Hindu Code Bill through.

In regard to this Bill I have been made to go through the greatest mental torture. The aid of party machinery was denied to me. The Prime Minister gave freedom of vote, an unusual thing in the history of the party. I did not mind it. But I expected two things. I expected a party whip as to time limit on speeches and instruction to the Chief Whip

to move closure when sufficient debate had taken place. A whip on time limit on speeches would have got the Bill through. When freedom of voting was given there would have been no objection to have given a whip for time limit on speeches. But such a whip was never issued. The conduct of the Minister for Parliamentary Affairs

who is also the Chief Whip of the party, in connection with the Hindu Code, to say the least, has been most extraordinary. He has been the deadliest opponent of the Code and has never been present to aid me by moving a closure motion. For days and hours filibustering has gone on a single clause. But the Chief Whip, whose duty it is to economise government time and push on government business, has been systematically absent when the Hindu Code has been under consideration in the House. I have never seen a case of Chief Whip so disloyal to the Prime Minister and the Prime Minister so loyal to a disloyal Whip. Notwithstanding this unconstitutional

behaviour, the Chief Whip is really the darling of the Prime Minister. For, notwithstanding his disloyalty, he got a promotion in the party organisation. It is impossible to carry on in such circumstances.

It has been said that the Bill had to be dropped because the opposition was strong. How strong was the opposition? This Bill has been discussed several times in the party and was carried to division by the opponents. Every time the opponents were routed. The last time when the Bill was taken up in the party meeting out of 120 only 20 were found to be against it. When the Bill was taken in the party for discussion forty-four clauses were passed in about 3.5 hours time. This shows how much opposition there was to the Bill within the party. In the House itself there have been divisions on three Clauses of the Bill—2, 3 and 4. Every time there has been an overwhelming majority in favour even on Clause 4 which is the soul of the Hindu Code Bill.

I was therefore, quite unable to accept the Prime Minister's decision to abandon the Bill on the ground of time. I have been obliged to give this elaborate explanation for my resignation because some people have suggested that I am going because of my illness. I wish to repudiate any such suggestion. I am the last man to abandon my duty because of illness.

It may be said that my resignation is out of time and that if I was dissatisfied with foreign policy of the government and the treatment accorded to Backward Classes and the Scheduled Castes I should have gone earlier. The charge may sound as true. But I had a reason which held me back. In the first place, most of the time I have been a member of the cabinet I have been busy with the framing of the Constitution. It absorbed all my attention till 26 January 1950, and thereafter I was concerned with the People's Representation Bill and the Delimitation Orders. I had hardly any time to attend to our foreign affairs. I did not think it right to go away leaving this work unfinished.

In the second place I thought it necessary to stay on, for the sake of the Hindu Code. In the opinion of some it may be wrong for me to have held on for the Hindu Code. I took a different view. The Hindu Code was the greatest social reform measure ever undertaken by the legislature in this country. No law passed by the Indian legislature in the past or likely to be

passed in the future can be compared to it in point of its significance. To leave inequality between class and class, between sex and sex, which is the soul of Hindu society, untouched and to go on passing legislation relating to economic problems is to make a farce of our Constitution and to build a palace on a dung heap. This is the significance I attached to the Hindu Code. It is for its sake that I stayed on, notwithstanding my differences. So if I have committed a wrong, it is in the hope of doing some good. Had I no ground for such a hope, for overcoming the obstructionist tactics of the opponents? I would like, in this connection, to refer only to three of the statements made by the Prime Minister on the floor of the House.

On 28 November 1949, the Prime Minister gave the following assurance. He said, 'What is more, the government is committed to this thing (Hindu Code). It is going through with it. Government would proceed with that. It is for this House to accept a measure, but if a government takes an important measure and the House rejects it, the House rejects the government and the government goes, and another government comes in its place. It should be clearly understood that this is one of the important measures to which the government attached importance and on which it will stand or fall.'

Again on 19 December 1949, the Prime Minister said: 'I do not wish the House to think in the slightest degree that we consider that this Hindu Code Bill is not of importance because we do attach the greatest importance to it, as I said, not because of any particular clause or anything, but because of the basic approach to this vast problem in problems, economic and social. We have achieved political freedom in this country, political independence. That is a stage in the journey, and there are other stages, economic, social and other and if society is to advance, there must be this integrated advance on all fronts.'

On 26 September 1951, the Prime Minister said: 'It is not necessary for me to assure the House of the desire of government to proceed with this measure in so far as we can proceed with it within possibilities, and so far as we are concerned we consider this matter as adjourned till such time as the next opportunity, which I hope it will be in this parliament, offers itself.'

This was after the Prime Minister had announced the dropping of the Bill. Who could not have believed in these pronouncements of the Prime Minister? If I did not think that there could be a difference between the promises and performances of the Prime Minister, the fault is certainly not mine. My exit from the cabinet may not be a matter of much concern to anybody in this country. But I must be true to myself and that it can be only by going out. Before I do so, I wish to thank my colleagues for the kindness and courtesy they have shown to me during my membership of the parliament. I also wish to express my gratitude to the members of parliament for having shown great tolerance towards me.

Chapter 13

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